MISCELLANEOUS PEANUT AND RICE LEGISLATION

HEARING

BEFORE THE

SUBCOMMITTEE ON OILSEEDS AND RICE

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH CONGRESS

FIRST SESSION

ON

H.R. 101, H.R. 1917, H.R. 3742, and H.J. Res. 192

MARCH 25, 1963

Serial F

Printed for the use of the Committee on Agriculture

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1963

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MISCELLANEOUS PEANUT AND RICE LEGISLATION

MONDAY, MARCH 25, 1963

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OILSEEDS AND RICE OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 1310, Longworth House Office Building, Hon. Paul C. Jones of Missouri (chairman of the subcommittee) presiding.

Present: Representatives Jones, Grant, Gathings, Matthews, Hagen of California, Purcell, Leggett, Dole, and Beermann.

Also present: Martha Hannah, staff; Hyde H. Murray, assistant clerk; John Heimburger, counsel; and Robert Bruce, assistant counsel.

Mr. JONES. The subcommittee will come to order. We have waited for 10 minutes, but we will have to start in order to get through.

We have several bills before us. We have H.R. 101 on peanuts, H.R. 1917 on peanuts, H.R. 3742 on rice and House Joint Resolution 192 on rice which will be made a part of the record at this point, together with the reports from the Department.

(H.R. 101, H.R. 1917, H.R. 3742 and House Joint Resolution 192, together with the departmental reports follow:)

[H.R. 101, 88th Cong., 1st sess.]

A BILL To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

[H.R. 1917, 88th Cong., 1st sess.]

A BILL To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 19, 1963.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of January 22, 1963, for a report on H.R. 101 to extend for 2 years the exemption of boiled peanuts in

the definition of peanuts which is in effect through the 1963 crop year under the Agricultural Adjustment Act of 1938, as amended.

The bill provides for a 2-year extension of the exemption of boiled peanuts in the definition of peanuts as contained in section 359(c) of the Agricultural Adjustment Act of 1938, as amended. This definition excludes from the provisions of acreage allotment and marketing quotas any peanuts which are marketed before drying or removal of moisture, either by natural or artificial means for consumption exclusively as boiled peanuts. Such peanuts do not enter the market in competition with salted peanuts or other peanut products. Experience under the exemption during the past 6 years has shown that it does not adversely affect the supply adjustment and price support programs for peanuts.

On January 4, 1963, this Department addressed a letter to the Honorable John W. McCormack, Speaker of the House of Representatives, in which we recommended that the present definition of peanuts be extended without a time limitation. A copy of this letter and the proposed draft bill mentioned therein is enclosed.

The Department would prefer permanent extension of the present authority, but would have no objection to extending it for a 2-year period if Congress so determines.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

[H.R. 3742, 88th Cong., 1st sess.]

A BILL To amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the transfer of producer rice acreage allotments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 353 of the Agricultural Adjustment Act of 1938, as added by Public Law 87–412, is amended in paragraph (3), clause (i) thereof by adding immediately following the word "acquire" the language ", except for land," and by striking out the language ", and any land owned by the transferor to which any of the transferred rice history acreage may be ascribed".

DEPARTMENT OF AGRICULTURE,
Washington, D.C.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives

DEAR MR. CHAIRMAN: This is in reply to your request of February 20, 1963, for a report on H.R. 3742, a bill "To amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the transfer of producer rice acreage allotments."

This Department has no objection to the enactment of this bill.

H.R. 3742 would amend section 353(f)(3) of the Agricultural Adjustment Act of 1938, as amended, to eliminate the requirement that a producer transferring rice history acreage must also transfer any land owned by the producer to which any of such rice history acreage may be ascribed.

Enactment of this bill would, in States in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, place owner-operators of rice-producing farms who desire to permanently withdraw from rice production on a comparable basis with tenants in such States who own no land and desire to permanently withdraw from the production of rice.

Due to urban expansion in some areas of such States it is neither practicable nor economically feasible to continue rice production on land which the purchaser would have to pay prevailing market prices to acquire. Thus, it is felt that an owner-operator producing rice on such land who permanently withdraws from the production of rice should be permitted to transfer his rice history acreage with the sale of his rice-producing equipment without having to sell the land to which any of such rice history acreage may be ascribed.

The enactment of this bill will not require the expenditure of any additional funds.

The Bureau of the Budget advises that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

_____ _____.

[H.J. Res. 192, 88th Cong., 1st sess.]

JOINT RESOLUTION Relating to the validity of certain rice acreage allotments for 1962 and prior crop years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 to 1962, both inclusive, shall be deemed to have been validly established and shall remain in effect, and the farm marketing quota and farm marketing excess, if any, shall be determined on the basis of such valid farm rice acreage allotment.

This resolution shall not apply to any producer rice allotment or any planted rice acreage that has been obtained by duplication, forgery, bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

DEPARTMENT OF AGRICULTURE,
Washington, D.C.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of January 30, 1963, for a report on House Joint Resolution 192, a resolution relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

The Department has not objection to the adoption of this resolution upon the understanding that the final paragraph of the resolution will be interpreted as hereinafter set out.

House Joint Resolution 192 would validate any producer rice acreage allotment found by the ASC county committee or State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 through 1962, inclusive, even though the allocation of any such producer allotment might be subject to recall and revocation (with comparable reduction in the total farm allotment) if the holder of such producer allotment has been found not to have been actively engaged in the production of rice on the farm. The resolution would not apply, however, if the allocation of the producer rice allotment to the farm is subject to recall or cancellation due to duplication, forgery, bribery, intimidation, or practices which would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

In order to prevent traffic in producer rice acreage allotments, the regulations governing the determination of farm rice acreage allotments have always provided that a producer may not allocate his producer allotment to a farm unless he will be engaged in the production of rice on the farm.

The term "engaged in the production of rice" is defined in the regulations as "actively participating as a producer in the farming operations necessary to produce and harvest a crop of rice on a farm and the sharing in the predetermined and fixed portion of the rice crop, or the proceeds thereof, at the time of harvest by virtue of furnishing as landowner or landlord the land on which the rice is being produced, or by furnishing as tenant or sharecropper the labor, water, or equipment necessary to produce and harvest the crop".

Beginning with the 1958 crop of rice, the regulations have provided that "If the county *or State* committee has reason to believe, after the establishment of any farm acreage allotment * * * that a tenant whose allotment acreage was allocated to such farm is not, *or was not*, in fact actively participating

in the production of the rice crop *produced on the farm in such year*, a hearing shall be scheduled by the county committee and the tenant shall be invited to be present, or to be represented, at which time he shall be given an opportunity to substantiate his claim that he is, *or was*, actively engaged in the production of rice on the farm as indicated at the time of filing his request for the allocation of his producer allotment to the farm. If the county committee, *with State committee approval, or the State committee* finds that such tenant is not, *or was not*, actively participating in the production of the rice crop on the farm, except where allocation was made for the purpose of participating in the conservation reserve program or for the preservation of acreage, and therefore *did* not actively engage in the production of rice on such farm *during the year in question*, the county committee shall, with approval of the State committee, recall such producer's allotment acreage previously allocated to the farm and adjust the farm rice acreage allotment accordingly." [Italic language added by amendment to regulations, approved March 21, 1962.]

On the basis of audits conducted in the rice-producing area of Texas and California, some producer rice acreage allotments now are subject to recall under the existing rice acreage allotment regulations. Several additional cases have come under question in California and are being investigated. Indications are that these violations in both Texas and California pertain not only to rice of 1962 production, but to that of several prior years.

In those cases where it may be determined that the allocation of the allotment for a producer should be recalled and the rice acreage allotment for the farm reduced, which adjustment then leaves the rice acreage on the farm in excess of the farm allotment, all of the producers on the farm, jointly and severally, become subject to marketing penalties.

At the present time the Department is endeavoring to enforce the provisions of the regulations in each case where it has been determined that the allocation of a producer's allotment to a farm should be recalled or revoked because the producer was not actually engaged in the production of rice on the farm. Because the 1962 crop was being harvested, or was practically ready for harvest at the time of discovery of the violations, and so as not to deter the orderly movement of the crop, investigation to determine the extent of liability to penalty was related initially only to the 1962 plantings.

As a general rule, two or more producers on the farm will be involved on the average rice farm in Texas and California. Thus, under such circumstances the recall or revocation of the allocation of one producer allotment on a farm is likely to make other producers on the farm jointly and severally liable for the marketing penalty computed for the farm, although in fact they did not contribute to the excess of rice plantings.

The violations of the regulations fall into two general categories. The typical situation in one category is where a producer who received a valid producer allotment allocated it to a farm, but the allocation became subject to recall because it was later determined that the producer was not engaged in the production of rice on the farm for the year in question. It is this type of situation to which we understand it is intended the resolution shall apply. The other type of situation is where a farmer, usually through the payment of money to an employee of a county ASCS office, obtained for his own use the allocation to a farm of the producer allotment of a producer who was a fictitious person or had already properly allocated his producer allotment to another farm in the same or a different county or had no knowledge of the allocation of his allotment to the farm. The payment to the ASCS county employee may have been a bribe or the farmer may have actually thought he could "lease" an allotment. In this situation, the allocation of the producer allotment most likely involved a fictitious allotment or a duplicated allotment which in either case would tend to result in the total allotted acreage in the State being in excess of the State acreage allotment, less unallocated State reserve acreage. As we interpret the resolution, it would not apply to the situation in which a farmer obtained for his own use the allocation of the allotment of another producer by the payment of money to a county office employee. It would be helpful to the Department in carrying out our interpretation of the provisions of the resolution should it become law if the language of lines 5 through 10 on page 2 of the resolution were to be clarified by including in the committee's report on the resolution specific examples of the type of cases to which the resolution would not apply.

It is believed that the adoption of this proposed resolution would result in considerable savings to the Federal Government in administrative costs as well as saving from bankruptcy a considerable number of rice producers, including many who were not really responsible for any improper allocation. It would entail the loss to the Federal Government of some rice marketing quota penalties, but the amount of penalties collected would in all probability be offset by the costs of administrative and judicial proceedings necessary to effect collection.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

——— ———.

Mr. JONES. The first bill that we will consider this morning will be H.R. 3742 introduced by Mr. Thompson of Texas. Mr. Thompson, would you like to make a statement?

STATEMENT OF HON. CLARK W. THOMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. THOMPSON. Mr. Chairman and members of the committee, since we have a favorable report from the Department and since the Department is represented ably here this morning, I suggest we let the Department go ahead and explain the bill, what it would accomplish, and then I would like to file a statement of my own and answer such questions as may occur to the members of the committee.

Mr. JONES. We will be glad to do it that way. I thought that perhaps you had some other engagement which you wanted to cover, in which case we would hear you first.

Mr. THOMPSON. I might add further, for the record, that I have with me here, Mr. Marcus Mauritz, of Ganado, Tex., vice president, Rice Council for Market Development, and president, United States Rice Export Development Association, who is very well known and equally well known to you is Dr. George Blair, general manager of the American Rice Growers Association of Lake Charles, La.

Let me comment on Mr. Mauritz' work, because it will be of interest to you, although it has no bearing on the legislation before you.

When Cuba went to the Communist side, we lost the biggest market for long-grain rice that we had. Mr. Mauritz and Dr. Blair and others interested in the rice industry went out into the world and found dollar markets to make up for the Cuba market and to put us on our feet in the markets of the world. It is good to have people like that.

Mr. JONES. Thank you. We will proceed now to Mr. Satterfield, the Deputy Director of the Grain Policy Staff, of the ASCS to give us the views of the Department on H.R. 3742. Mr. Satterfield.

STATEMENT OF J. ALTON SATTERFIELD, DEPUTY DIRECTOR, GRAIN POLICY STAFF; ACCOMPANIED BY EDWIN F. ROLLINS, FARMER PROGRAMS DIVISION; AND WEAR K. SCHOONOVER, ATTORNEY GENERAL COUNSEL'S OFFICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. SATTERFIELD. Mr. Chairman and members of the committee, I have with me Mr. Schoonover and Mr. Rollins from the Department who will assist me on this.

I am not sure that I can add anything more to the views which the Department has set out in its report on this bill. The report states:

H.R. 3742 would amend section 353(f) (3) of the Agricultural Adjustment Act of 1938, as amended, to eliminate the requirement that a producer transferring rice history acreage must also transfer any land owned by the producer to which any such rice history acreage may be ascribed.

Enactment of this bill would, in States in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, place owner-operators of rice-producing farms who desire to permanently withdraw from rice production on a comparable basis with tenants in such States who own no land and desire to permanently withdraw from the production of rice.

Due to urban expansion in some areas of such States it is neither practicable nor economically feasible to continue rice production on land which the purchaser would have to pay prevailing market prices to acquire. Thus, it is felt that an owner-operator producing rice on such land who permanently withdraws from the production of rice should be permitted to transfer his rice history acreage with the sale of his rice-producing equipment without having to sell the land to which any of such rice history acreage may be ascribed.

There are only two points that this report makes. I do not know that I will attempt to add any in my own behalf. I would be glad to answer any questions which the committee may desire to ask me.

Mr. JONES. Mr. Satterfield, in other words, I think it is included in the report that the enactment of this bill would not require the expenditure of any additional funds? And we are always glad to have that.

Mr. SATTERFIELD. Yes, sir.

Mr. JONES. I think it might be well to explain for the benefit of the chairman and, possibly, for other members of the committee the procedure in Texas, I believe it is, that is different from that in other States in the handling of rice allotments. Is that true?

Mr. SATTERFIELD. That is true.

Mr. JONES. Can you give us a little background on how that situation arose and why it does not apply to these other rice-producing areas? I have not quite understood that myself.

Mr. SATTERFIELD. The basic legislation itself is predicated on the allotment being established for the farm on the basis of the past production of rice by the particular producer on the farm.

In other words, we go through the process of determining a preliminary allotment for the produucer which he has to allocate to the farm for it to become effective.

We have legislation on the statute books which does permit a producer to transfer rice acreage history along with the sale of his rice producing equipment, including any irrigation equipment not permanently attached to the land, but the statute, also, provides that where a producer is an owner-operator and he wishes to withdraw from the production of rice, he would have to sell the land along with his equipment in order to transfer the rice acreage history.

What this bill does is to eliminate that provision, so that he may withdraw from rice production, sell his equipment and any irrigation equipment not permanently attached to the land, and to transfer his rice history acreage to the purchaser of such equipment.

Mr. JONES. I understand that feature. What I was asking about is something else. Under the present law the tenant has the privilege of taking this allotment with him, does he not?

Mr. SATTERFIELD. That is correct.

Mr. JONES. Is Texas the only place that applies or does it also apply in Louisiana?

Mr. SATTERFIELD. No; it applies to what is known as the River Area of Lonisiana; also the State of California. We have three counties in west Tennessee in which there is a little rice grown, and in Florida, which has only one country where rice has been produced. However, in recent years there has been no acreage seeded in that area for the simple reason it has been quarantined because of plant disease.

Mr. JONES. I am still trying to find ont why we use a different rule—why we do not apply the same rule all over the rice producing area. Is there any other crop other than rice that you know of where the tenant has control of the allotment and can take it with him?

Mr. THOMPSON. May I explain this to you? I think that I know what it is that you are trying to get at.

Mr. JONES. We will be glad to hear from you, Mr. Thompson.

Mr. THOMPSON. In Texas and in California and in some parts of Louisiana the process of growing rice is this: You farm 3 years and you let the land lie fallow for 2 years. In order to farm profitably, of course, the farmer has to work every year at his trade.

For that reason we started the system of letting the allotment go with the farmer, rather than with the farm. The practice is to lease land—most of it is done on leased land—and to take your allotment with you when you leave. For that reason we call it a hip pocket allotment.

Does that answer the question?

Mr. JONES. I wanted to know why it does not apply to the State of Arkansas or the State of Missouri or some other State where rice is grown.

Mr. THOMPSON. The gentlemen from Arkansas can tell you the situation there, but as I understand it, you do not follow the practice thatwe do in Texas of moving from land to land. You go ahead and farm year after year.

Mr. GATHINGS. We have the land allotment system.

Mr. THOMPSON. Which runs with the farm.

Mr GATHINGS. Yes

Mr THOMPSON. They do the farming on their own farm and not otherwise.

Mr. JONES. I think that this would be a good place to get this in the record somewhere so that we can understand it, because it has always been a question that I could not understand.

Mr. THOMPSON. Mr. Mauritz can tell you about this. He is a rice farmer. He does it.

STATEMENT OF MARCUS MAURITZ, GANADO, TEX., VICE PRESIDENT, RICE COUNCIL FOR MARKET DEVELOPMENT, AND PRESIDENT,U.S. EXPORT DEVELOPMENT ASSOCIATION

Mr. MAURITZ. Mr. Chairman and members, I might say that at the time the law was passed in 1938 the question came up. And because of theoperation of rice farming in these particular States and areas it was necessary to have a different method of allocating the allotment in Arkansas and in Louisiana, the area where the allotment is on the

land itself. They felt that those particular farmers who were then farming rice were, also, landowners and the landowner actually participated actively in the farming of rice, whereas in Texas and California, particuuarly, it was not that way. There are very few actual landowners in Texas who are interested in the actual operation, other than the revenue received from the land.

Due to the outside ownership of the areas that are farmed in rice in California and in Texas it was necessary that some recognition be given as to who is going on the farm. At that time it was felt that if the allotment was put on the land we would have a lot of out-of-State people who had allotments who were not entitled or even interested in the operation of the rice farm, only in what the land rent would bring them. And at that time it was agreeable with everybody that the allotment in those two areas, because of those peculiarities, that the allotment, actually, would go to the farmer, so that he could move it from one piece of land to the other piece of land without it being tied up, particularly, by out-of-State landowners who did not or were not present in the State and could not take care of the allotment like it should be taken care of. It was actually voted. The States that wanted the area was Louisiana, where they had two areas, one of which was similar to those in Texas and one similar to those in Arkansas and it was finally agreed at that meeting in 1938 that the allotment should be divided and certain areas would be on the land and in certain areas it would be on the producer himself.

Mr. JONES. Well now, this bill that we are considering changes the law, permitting the landowner to transfer the rice history without having to transfer the land as is now the case. We are making that exception. In other words, we are making an exception in that case, are we not? How many people will this bill affect, do you think or, how many acres will be affected by it?

Mr. MAURITZ. Well, actually, this is not really an exception. We found a year or so ago when this bill originally was passed with this peculiar situation that people in Arkansas and people in Louisiana where the allotment is on the land, could transfer their allotment, but under the original law it was very, very difficult for a person in Texas and I say that because that is what I am most familiar with, for them to actually get out of the rice farming business without taking a complete loss on their whole operation, because the operation of rice farming is definitely tied to an allotment. We had an awful lot of people who wanted to quit rice farming, but they did want to realize something for their past efforts and their past history, and they could not even sell their equipment, because no one would buy it because they could not farm rice. Therefore, it was necessary to provide some way where the transfer of the allotment could go from one producer to another producer.

This bill was enacted which gave us this privilege.

Now then, after consideration of it and after its operating 1 year we ran into this question about this, that about 90 percent of the farmers in Texas are not landowners. Therefore, we have created a situation where a man who owns land is penalized in that he cannot do the same thing that his neighbor can, because he owns land. His neighbor, under the bill, can transfer his allotment under certain conditions.

This amendment actually makes those conditions applicable to all rice farmers without being prejudiced against the man who happens to own some land.

Personally, I do not think that will affect more than about 10 percent of the transfers of allotments in the States, but I do think that it is a big hindrance and a big injustice to a man who owns land that he has to sell his land in order to transfer his allotment, whereas his neighbor who does not own his land can transfer his allotment without that provision in there.

Mr. JONES. Does he actually transfer the allotment or just give the allotment up and let the ASCS transfer it?

Mr. MAURITZ. No, sir, he actually transfers the allotment. He comes in and applies to withdraw, and the person whom he has agreed to turn over his equipment to reapplies for the allotment, and the county committee then approves that transfer, and they transfer it from one name to another name. It does not go into a general pot and then is reallocated.

Mr. JONES. Are there any further questions?

Mr. BEERMANN. Mr. Mauritz, this farmer who prefers not to continue to grow rice, if he does not withdraw, does he have to grow rice?

Mr. MAURITZ. State that question again, I do not believe I got it.

Mr. BEERMANN. You say that if he does not wish to grow rice, that he has to withdraw; is that right?

Mr. MAURITZ. Yes, sir; he has to withdraw.

Mr. BEERMANN. If he does not withdraw from the program, does he have to grow rice?

Mr. MAURITZ. No, sir; he does not have to grow rice, but he does lose, in other words, if he does not grow rice, of course, he will lose part of his history. The allotment is based on his 5-year history and if he does not grow rice or there is a provision whereby he can turn it into the county for reallocation. But if he did that, he would still have to grow it once out of 5 years or he would lose it entirely. And if he does not turn it in, he would lose 20 percent of it, because it is based on the 5-year history.

Mr. BEERMANN. Thank you.

Mr. JONES. Pardon me, Mr. Mauritz, let me ask you this: Is it the general practice, in other words, when you transfer these allotments, are they transferred for a cash consideration?

Mr. MAURITZ. Technically, the farm equipment is transferred for a cash consideration. The allotment is not supposed to be transferred for a cash consideration.

Mr. JONES. In other words, the farmer sells the equipment for so much money, and he can get a higher price for it if he has the allotment.

Mr. MAURITZ. That is correct.

Whether we admit it officially or not, it certainly has a value, just the same.

Mr. GATHINGS. It would mean to the landowner which consists of about 10 percent or a little more of them, but probably 10 percent in those particular areas who could obtain the value of the allotment that they have in the same manner as the tenant.

Mr. MAURITZ. He would have the same privilege and the same guarantee as all the rest of them have.

Mr. GATHINGS. In Mr. Thompson's statement that I have read, he stated that in some instances these people may not care to produce rice any more on the land, but they may want to go into the cattle business, and they want to hold their land so that they could use the same procedure as suggested here.

Mr. MAURITZ. That is right; that is correct.

Mr. GATHINGS. They could probably sell the equipment at an increased price.

Mr. MAURITZ. Yes.

Mr. JONES. Are there any questions, Mr. Purcell?

Mr. PURCELL. No.

Mr. JONES. Mr. Leggett?

Mr. LEGGETT. These sales are made within the State and not between different States, are they?

Mr. MAURITZ. This is entirely applicable to the State, because we have no provision to transfer from one State to another.

Mr. LEGGETT. Thank you.

Mr. JONES. Are there any other questions?

Mr. THOMPSON. Somebody is going to ask this question if you get this bill to the floor, which I hope you will, whether this will increase the production of rice. It will not. It will not affect production in any way, shape or form. All it does is, as Mr. Mauritz has an example in point, that he is a cattleman and a ricegrower. If he wants to go out of the rice business, he does not have to sell the land on which he expects to run cattle. That is all there is to it.

Mr. JONES. Thank you.

Are there any other questions about this bill, H.R. 3742? Does the Department have any other comment?

Mr. SATTERFIELD. No.

Mr. JONES. We are going to include your two prepared statements in the record at this point.

Mr. THOMPSON. Thank you.

(The prepared statements of Hon. Clark W. Thompson on H.R. 3742 and H.J. Res. 192 follow:)

STATEMENT OF HON. CLARK W. THOMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, ON H.R. 3742

Public Law 412 which was enacted last year provided for the transfer of rice acreage history where producer withdraws from the production of rice. This law gave expressed statutory effect to the succession of interest provisions which for several years were included in the Department of Agriculture's regulations governing the establishment of farm rice acreage allotments in States and administrative areas (notably California, Texas, and parts of Louisiana) in which such allotments are determined on the basis of past production of rice by the producer on the farm.

Under this law a rice producer desiring to permanently withdraw from the rice business and transfer his rice acreage history to another producer or producers must meet the condition to sell the entire farming operation pertaining to rice, including all production and harvesting equipment, any irrigation equipment not permanently attached to the land, and any land owned by the transferor to which any of the transferred rice history acreage may be ascribed.

The land requirement is where we run into a serious problem. More than 75 percent of the producers in Texas and more than 75 percent of the rice acreage farmed is on leased land. A producer in this category who permanently withdraws from the production of rice is not required to sell land. Those who are not in this category and who produce rice on acreage they own must sell this land when they withdraw from rice production.

The latter is a significant discouragement for a farmer who wants to get out of the rice business but wants to keep the land for other purposes, particularly cattle operations. H.R. 3742 seeks to correct this problem and to treat all rice producers equally when they desire to withdraw from rice production.

The bill requires no expenditure of additional funds.

STATEMENT OF HON. CLARK W. THOMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, ON HOUSE JOINT RESOLUTION 192

The purpose of this resolution is to validate certain rice acreage allotments for the crop years 1956 to 1962. The farmers that would benefit by it are those who for a number of years followed the practice of going to the local ASC manager with their various programs, securing his approval and later that of the appropriate committees on the county and State level, and then proceeding under what they considered a proper and legitimate course.

When these practices were questioned by the Department of Agriculture last fall, the rice industry came to a standstill. The orderly marketing of crops already harvested was not possible until various court procedure developed.

For the years involved, these farmers had followed the advice and guidance of Department of Agriculture officials. In good faith, they thought they were complying with the letter and spirit of departmental regulations. For the Department to now question these operations and to pose a threat of retroactive penalties and retroactive loss of allotments could have disastrous consequences to this industry.

This resolution would relieve these farmers from this threat and give immediate clarification to the matter so that they may proceed with current and subsequent planning. It specifically excludes from consideration any operation which had been undertaken by duplication, forgery, bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment.

Mr. JONES. We have another bill, House Joint Resolution 192, which was also introduced by Mr. Thompson. We have a rather lengthy, 4-page report from the Department which states that the Department has no objection to the adoption of the resolution with the understanding that the final paragraph of the resolution will be interpreted as hereinafter set out.

Mr. Satterfield, if you will give us a brief explanation of what this bill does and also comment upon the interpretation of this last paragraph, maybe we can expedite things a little bit.

Mr. SATTERFIELD. Since I have Mr. Schoonover here from the Office of the General Council for the Department and Mr. Rollins from our Farmer Programs Division, who are a lot more familiar with the individual cases involved in this resolution than myself, may I ask that either Mr. Rollins or Mr. Schoonover be permitted to speak on this bill?

Mr. JONES. Either one that you would like to have speak.

Mr. SATTERFIELD. I will ask Mr. Rollins to start.

Mr. JONES. We will be glad to hear from you, Mr. Rollins.

Mr. ROLLINS. Thank you, Mr. Chairman.

It is quite difficult to explain this. There is considerable involved, but I will try to make it just as brief as I possibly can.

We might pick up more or less where we left off in respect to Mr. Mauritz' remarks in connection with the other bill, in that individual producer allotments which have been established for individuals for the purpose of being allocated to a particular farm for the production of rice are provided for and have been provided for, for a number of years, in the statutes and the departmental regulations. The departmental regulations generally speaking require that before an individual can allocate his producer allotment to a particular farm for

a specific year, he must file an application with the local county committee, and in this application he certifies that he will be engaged in the production of rice on the farm in question for such year.

Now, to be engaged generally, he furnishes either one or more of the factors or services: Land, labor, water, or equipment, for a predetermined and specified share of the crop to be produced from such acreage during such year.

In the event there is no question as to his application and his arrangement, the county committee approves that individual producer's allotment as a component of what eventually becomes the farm acreage allotment.

Likewise, this would happen to each producer who is farming on the farm in question. It may be one or it may be any number of producers, but all allocations of producer allotments when allocated and approved to a particular farm, the sum of those acreages, generally, becomes the farm acreage allotment. And from now on throughout the year, that particular farm is treated in the same manner as a farm is treated in Arkansas or in any of the other States in which farm allotments are made.

Mr. JONES. I do not follow you there. In other words, let us say that Mr. Thompson has 1,000 acres of land and he might have five different people bring their allotments to him, and he makes a lease, an agreement with them to grow rice on that farm, and they are going to pay him one-fourth share of it or to pay him cash or some other remuneration, but then in the county office, all of those five allotments would be considered to be on this one farm?

Mr. ROLLINS. Yes, sir; that is correct. Generally speaking, that is correct.

Mr. JONES. That is, this contract agreement is made for only 1 year with all of these people?

Mr. ROLLINS. One year at a time.

Mr. JONES. Although there is nothing to prevent them from making a new contract each year and being there for 3 years on the same farm and under the same conditions?

Mr. ROLLINS. There is one point: The farm contract which Mr. Thompson has may be extended beyond 1 year, but insofar as the local county committee's approval is concerned, this would be a year-to-year operation.

In other words, each of those five producers would come to the county office and apply to have their allotment allocated to Mr. Thompson's farm, before planting time each year.

Mr. JONES. I see. Thank you.

Mr. ROLLINS. For example, one year all five might be on Mr. Thompson's farm and the following year one or more may drop out, one or more may be added, but it is an annual allocation process by the individual producers.

The basic question, I think, is that as previously stated, each of these individuals are allocating his allotment to this farm on the premise that he will be engaged in the production of rice on the farm and that he will furnish one or more of the factors or services for a share of the crop.

Beginning with the year, shall we say 1957, there have been instances brought to the attention of the Department by internal audits where

the individual farmer may or may not have been engaged in the production of rice on the farm in question. There is a regulation issued by the Department which provides with respect to the 1962 crop, the crop that was practically ready for harvest when this situation first arose, that where the county or the State committee has reason to believe that an individual producer is not or was not engaged in the production of rice as he alleged that he would be at the time the allocation was approved, that where his operations were questioned by the county or the State committee, a hearing must be scheduled by the county committee, and he be given an opportunity to substantiate his claim as to his actual operations for the particular year. If he is found not to be engaged in the production of rice on the farm, his producer allotment is recalled and the farm allotment is reduced, retroactively.

I would hesitate to state just how many cases at the moment may be involved in this category. I am sure that the committee would like that information. But may I pass it at the moment and move to a situation which is similar to that previously described, except for the fact that in the latter situation an individual who may or may not have been a valid producer or the holder of a producer allotment arranged through the local county ASCS office for a sum of money to have additional acreage allotted to his farm.

There are any number of situations or arrangements or combinations of arrangements which could bring this about, but in any event, the end result I think can be stated in that an individual received the use of producer rice acreage allotment under some arrangement through the local county office. That generally would sum up the two situations.

One situation is where the producer allotment is valid and there is no question about it whatsoever. The producer received an allotment and allocated it to a particular farm and there was no question about it at the time he allocated it. But subsequent to that time, the fact that he might not have been engaged in the production of rice during the year as he alleged he would be, became a question for the county committee or the State committee.

The other situation is where an individual may or may not have been rightfully apportioned a producer allotment, but prior to planting, generally, or thereabouts, arranged through a county office representative for additional acreage allotment which he might utilize and thereby increase his operation on the farm in question.

Really, Mr. Chairman, I am not in a position to say at this point just how far to go into this, except that producers in the first category, whose operations had been questioned or were under question as to whether or not they were engaged in the production of rice, their operations were found to have not met the requirement and the farm acreage allotments were reduced by the amount of the allotment questioned in the producer's allocation. That happened generally during the months of August and September of last year with respect to the 1962 crop.

Following that, a number of producers in Texas brought suit against the Department and asked that no further allotments be adjusted. I believe that would be the correct terminology—and that no marketing cards be canceled with respect to these operations until the court de-

cided the validity of the particular regulation which the Department was operating under. That came before the Federal court in the southern district, in Houston, in the early part of October, I believe October 3, 4, and 5 of last year.

The decision at that time as I recall, was in favor of the Department, but the opposition arranged with the court or appealed to the court for a stay order to be issued, pending their appeal to the circuit court of appeals, the Fifth Circuit Court of Appeals. The stay order was issued, I believe, about October 15, which precludes the Department from making any further reductions in rice acreage allotments in Texas, specifically.

The case, incidentally, went to the fifth circuit and arguments were heard. I think it was on February 21 or 23, just past—I do not recall the exact date.

As of the moment, to my knowledge, there has been no decision by the fifth circuit court in connection with this case.

In the meantime, the State ASCS officials are precluded from making any further adjustments in allotments because of this situation.

During the interim this particular bill was introduced. I do not recall at the moment when—it is, of course, a matter of record—but last fall representatives from the American Rice Growers Association and others, including Mr. Mauritz, who spoke a moment ago, and Mr. Blair, who is present, I believe contacted Congressman Thompson and they asked if the Department would consider assisting them in drawing a bill. The Department took the position that it was not in a position to draw the bill, but would be glad to assist in any way that they could if requested to do so. Congressman Thompson requested that we assist these gentlemen in drawing the basic language, and we did, on the basis of that request.

The general language as it currently stands, I believe, is basically what was in the bill at the outset.

The question I would say is primarily: Which category of individuals would be excused under this resolution from the departmental regulation and marketing quota penalties? Supposedly, the latter group, the group where arrangements were made through county office representatives for additional rice acreage allotments for an amount of money would not be excused. I believe it is a matter of record that there are any number of situations—I think Mr. Schoonover might elaborate on this better than I—with respect to employees in the ASCS who became involved in this situation and whose actions have been investigated.

Mr. Jones. I would like to interject one question here. I have been trying to follow you and I am convinced that you have such a complicated situation that I cannot understand all of it, but it seems to me that I want to ask you this question why the Department did not make a recommendation that the law be changed, rather than to express, as you did, that the Department has no objection to the adoption of this resolution. As I understand it, this resolution is more in the form of trying to interpret what the present law means. Is it impossible for us to write and make changes in the law that would be more specific and would be easier for the Department to administer by changing the law?

Mr. Rollins. In answer to that, Mr. Chairman, may I say that it is my understanding that the Department, after having issued certain

regulations which have been cleared by the General Counsel as being legally sufficient, is not in a position to rescind such regulations. Instead it is obligated to follow the regulations as they have been issued, and for that reason, in my opinion, the Department could not recommend—well, under those circumstances, could hardly recommend that the regulations become invalid. Other than that, I am not in a position to say why they could not recommend either for or against this resolution.

Mr. JONES. Can you help us out there, Mr. Satterfield?

Mr. SATTERFIELD. Mr. Chairman, a point that Mr. Rollins did not make, of course, was that in many of these cases the violation may have occurred several years ago and the producer involved in such violation may have been on a farm where there were other producers engaged in the production of rice. Since rice compliance is checked on a farm basis, as is the case for any other crop, this means that all rice producers on a farm having excess acreage as a result of the farm allotment being reduced because of a technical violation by one of the producers on the farm, would be jointly and severally liable for the marketing quota penalty, even though none of the producers on the farm had any knowledge of such violation. If these violations go back to 1957 or even beyond that, it might take several years to straighten out the records of all individual producers who may have been engaged in the production of rice on a farm where a technical violation may have occurred. This is something that we did not know about until, as Mr. Rollins pointed out, along about August 1962. We feel that probably the best way to straighten out this situation is by action of the Congress permitting us to disregard cases of technical violations which occurred in prior years.

I think a lot of this involved misunderstandings on the part of the producers as well as county office personnel. I also think that the Department was at fault in some respects. We did not check on the operations of this program close enough.

Mr. JONES. My question was why the Department did not recommend the passage of a bill which would have changed the law, rather than giving a "no objection" statement with a certain recommendation about the interpretation in a certain way.

Mr. Heimburger wants to make a comment.

Mr. HEIMBURGER. May I have a go at answering your question? If I understand the situation, I think the answer to your question is that the matter involved here is not a law, but a regulation of the Department of Agriculture which has been in effect for a number of years and which investigation has recently disclosed has, probably, been violated for a number of years by a number of people so it is not a matter of changing a specific provision of law, but a matter, I think, being asked here to ratify possible violations of the Department regulations which have occurred in past years. Is that not correct?

Mr. SATTERFIELD. That is correct.

Mr. JONES. Pardon the interruption. Is not in fact what we are doing approving the regulation, the interpretation of the regulation as it is contained in this letter from the Department which has been included in the record and made a part of this, so that Congress is in effect writing a regulation for the Department rather than changing the law?

Mr. HEIMBURGER. It is not my understanding that this bill will change the regulation. I assume, although I believe the latter is silent on this subject, that the regulation would remain on the books in its present form.

Mr. JONES. Under this interpretation?

Mr. HEIMBURGER. That is my understanding. What we are saying is that in the past this regulation appears to have been violated, perhaps inadvertently. We will forgive all of these past violations, but we are going to leave the regulation on the books.

Mr. THOMPSON. May I be indulged for just a moment on that point?

Mr. JONES. Yes.

Mr. THOMPSON. Where you say that you are going to forgive all of the past or however you worded it, please bear in mind that these irregularities were submitted to the Department of Agriculture, to the proper authorities, all of the time every year and they were approved, and on the basis of the approval of the Department the farmers went ahead and planted. Five years later they are told that those regulations were violated and so forth and so on.

What we are trying to do, and Mr. Maurtiz can explain it far better than any of us here, because he has lived with it—we want to say that you cannot let these regulations be retroactive against them. We will do anything you wish from here on out, but let us understand each other. We do not want the regulation changed, Mr. Chairman. We do not need it. We can live with it, but we do want to have it so that when we get the approval of the Department that they will live up to that. That is what we are trying to accomplish in this resolution.

Mr. JONES. As I understand Mr. Rollins, some of these regulations went to court. In other words, the producer went to court, saying that the regulations had not been correctly interpreted. The regulation was right, in other words, but that the Department misinterpreted them and was then going back to make them retroactive.

Mr. THOMPSON. That court case has not been settled yet. That is this year, as I understand. It does not attempt to do anything retroactively.

Mr. JONES. Let us hear from Mr. Mauritz. Maybe he can get it straightened out. It is a pretty complicated sort of thing and I am getting lost.

Mr. MAURITZ. First, to answer your question, let me say, that so far as we are concerned we are not asking that the law be changed. We would like for it to remain as is. The only thing, as the Congressman said, as well as Mr. Satterfield and Mr. Rollins, is that in this situation in this resolution we are asking that the retroactive enforcement that was not enforced at that time that it not be imposed upon us now when we cannot do anything about it. I think that Mr. Rollins brought out one thing that is very pertinent to this situation, that is, that in 1962, that crop year, when due to some criminal violations of the law—and we might as well recognize them, there were criminal violations and they were intentionally done—it was called to mind that probably under strict enforcement of the regulations, ever since the inception of the later program, which was in 1955, there had been some technical violations of these regulations and the Department took the position that they should go back retroactively

and enforce these regulations against the farmers. Even though we did bring suit, the rice farmers brought suit against the retroactive enforcement of the regulation, it is simply on the regulation, that we say the interpretation of it is that after a certain date they cannot go back and change the allocation of allotments. And that would apply not only to 1962, but to any other year. Whether we are right or not the judges will finally decide.

This provision in this joint resolution to us means that they will not, that the Congress will recognize the fact that the farmers have been operating in good faith all of this time and those are the only ones we are interested in. We are not interested in any that violated the law willfully and knowingly. We do not protect them at all, but those who have operated in good faith in the past year should not now be penalized when they cannot take the steps that were provided for in the law for correcting any violation. As of last year, between then and now as to what was brought to our attention in August, practically every rice farmer in Texas would now have a clean slate as far as 1962 is concerned, because when it was called to our attention as to what the regulations technically called for those farmers who had violated that in a technical point of view went and corrected their operations so as to be in compliance. And I think as of right now I believe there are only about six or seven farmers who have not gotten a clean bill of health from the department and been issued their marketing card.

I do not think that this is forgiving anybody anything. It is only a means to keep from actually bankrupting the whole industry because of, I would like to say, a little negligence on everybody's part by not reading every little thing in the regulation that said what they should do.

Mr. JONES. Pardon the interruption. In other words, you are not objecting to the interpretation of the regulations by the Department as it applies to this year?

Mr. MAURITZ. That is correct.

Mr. JONES. But you are objecting for the same interpretation being placed on these prior years and going back retroactively to assess penalties?

Mr. MAURITZ. That is right. We are objecting to the interpretation being put in the same light for this coming year back in these prior years when we did not know anything about it.

Mr. JONES. In other words, if they had enforced the regulation back, say, in 1957 like they are proposing to do in 1962, you would have had no objecton to it?

Mr. MAURITZ. No, not any whatsoever.

Mr. JONES. I think that I understand it. Does anybody else have any questions?

Mr. HEIMBURGER. Could we ask Mr. Mauritz to give us an example of the technical violations that he is talking about?

Mr. MAURITZ. Mr. Rollins said that even though the allotment is on the producer in Texas there is a time, which has been June 1, that all allotments that are given to the producer have to be tied into a certain farm in order to measure it and see whether it is in compliance or not. To do that, each farmer with no allotment must come in and sign a paper showing what farm number really that allotment is going to be farmed on, and who participates in the crop. The average rice

farmer in Texas is not familiar enough with regulations to know all of the details. He comes in. They have a form and they ask him a question, "Who is going to farm your rice allotment? What farm is it going to be on?" And he tells them that. The normal procedure is for him to sign it, and that is it.

Well, according to the form there is a little space in there for him to put down what the percentage of the crop is that he is going to get. In some instances he puts it in and in some instances he does not even pay any attention to it. He signs it, and that is it, because he has made a deal with the man who is going to do the farming for a percentage of the crop or for cash. That is where he has technically violated the law, because, according to the law he cannot make any deal with anybody except that each year he gets a percent of the crop for furnishing not only the allotment but one of the four factors Mr. Rollins pointed out. And in actuality he has not furnished, in some instances, any of the four factors, and he does not get a percentage of the crop but he has actually been getting cash rent for the use of his allotment. That is a violation of the regulation.

Then, as Congressman Thompson brought out, I would say that in a very large majority of the cases where this violation has occurred it has not been covered, in fact, that is what brought this to light and made it so large in Texas, when the investigator started asking people they did not hesitate to tell him—they told the investigator, "Sure, John Doe farmed my allotment, he gave me $30 an acre for it." It was not a willful violation at all. It had been going on and it had been growing. Mr. Rollins said that he did not know how many. I do not know what the actual number is, but I will say that about 85 percent of the rice farmers in Texas were affected one way or the other, directly or indirectly.

I have been criticized a time or two and it has been said that this is not a matter of interest, but to me I think it is the main interest. I think that the law we enacted in 1938 was to control the orderly marketing of rice.

We had a case this year in Texas where it ruined our market. It had—had we not been successful in getting an injunction to hold up on the execution of these penalties and withdrawals of marketing cards we would have faced an awful marketing year.

But one thing that I think gives us reason to ask Congress to do this for it is that normally and in the very large majority of cases it is not that we have planted any more rice than the acres allotted, but it is a technical question as to whether or not that is the law or whether it means that John Doe can only plant 10 acres and he has to put out certain seed and take a certain risk in planting the 10 acres, but there have not been more than 10 acres planted in John Doe's name, and that is what he was originally allotted, 10 acres.

Mr. JONES. Thank you, Mr. Mauritz.

Are there any other questions?

Mr. GATHINGS. I wonder if Mr. Rollins would give us more information with regard to whether any other regulation has been violated? Was this the only regulation that has been violated by these farmers these past years?

Mr. ROLLINS. The regulation in particular, yes.

The regulations contain two specific sections. One provides that in order for an individual to allocate his allotment to a farm, as Mr.

Mauritz indicated, he has to certify that he will participate by furnishing one of the four factors and receive a part of the crop.

The other regulation, that is, the other section of the regulation provides that if the county or the State committee at a later date finds that the producer did not, in fact, furnish these factors or share in the crop, then they are to conduct a hearing and give him an opportunity to justify his contention. If he fails to do so, to their satisfaction, the county committee, with the concurrence of the State committee, or the State committee recalls the producer allotment allocation and the farm allotment is reduced, as Mr. Mauritz indicated, and that is the state we were in when the suit was brought to stop any further adjustment of the 1962 allotments.

Mr. GATHINGS. Are both of these contained in the report?

Mr. JONES. We have 4 pages here that talk about it. The interpretation of the regulation will be a part of the report.

Mr. SCHOONOVER. The report does quote the regulation in its entirety.

Mr. GATHINGS. That is what I wanted to know.

Mr. JONES. Are there any further questions?

Mr. BEERMANN. I would like to ask Mr. Mauritz a question at this point. How would you know that all of the acres allotted to Texas are planted in rice?

Mr. MAURITZ. Well, the regulations provide for carrying out the program that before a marketing card is issued you must have a marketing card to market your rice, that the farm has to be measured by the county committee to determine what acreage you have in rice. Therefore, at the end of the year, or the beginning of the marketing season, just prior to it, each county does have an accurate measurement of all of the rice that is planted within the county. That is combined then on a State basis to determine what the planted acreage is.

Mr. BEERMANN. Well now, a new grower wants to grow rice: How does he get into business?

Mr. MAURITZ. Today there is no way for a new grower to get into the rice farming, because even though the law provides for an acreage for him, the acreage is so small that it is not economically plausible for him to farm, because I think with most of the new growers that we get today, if we took all of the acres they would have about 5 or 10 acres. Also that is one of the reasons for the amendment that we are asking for today. For a person who wants to get into the rice business, so he can get in, he would have to purchase this right to farm rice, rather than getting a new allotment, because there is not enough allotment—that is, in excess—which has not already been allotted to the old producers, for the new growers to get an allotment.

That is one of the reasons that we have gotten into the situation we are in, frankly. I might explain that a little bit.

We found ourselves with a lot of people who had 10 acres, 20 acres, and 30 acres. You cannot grow rice in Texas economically with that small an allotment. The only way that allotment could be farmed whereby a man could realize anything out of it was to combine it with some other like allotments or with somebody who had enough and would take it over, and he would realize something out of it. That is what got us into the situation we are in.

Mr. BEERMANN. Thank you.

Mr. JONES. Are there any other questions? If not, Mr. Satterfield, do you intend for Mr. Schoonover to make any other statement?

Mr. SATTERFIELD. I want to make sure that the Department has the committee's interpretation of what cases are to be covered by this resolution. I think Mr. Schoonover has discussed this with the General Counsel and I would like for him to comment on that particular point.

Mr. MATTHEWS. May we go off the record?

Mr. JONES. Yes.

(Discussion off the record.)

Mr. JONES. I believe that we have most of the explanation we require. If you have anything to add, we will be glad to hear from you.

Mr. SCHOONOVER. Mr. Chairman, basically there are two kinds of cases involved here. One is where a rice farmer makes some sort of arrangement with another rice farmer to farm together the rice acreage of the one who is not interested actively in farming it. In some cases, I think the farmer just made an outright purchase or lease of that allotment, and there was no intention on the other farmer's part that he would actually be engaged in the rice production.

In other cases they made an operating agreement of some kind—in many cases called a partnership which may or may not have been a bona fide partnership, but in all of these kinds of cases, as we interpret the resolution, it says that if that allotment was properly allocated in the first instance and the State and county committees approved it, those allotments would be valid and we could not then come in under our present regulation and inquire into the facts of whether both producers are really, actually producing rice.

That is the kind of case we understand this resolution is intended to cover. The other type of case is where the farmer wants more allotment.

In most cases—of course, you cannot generalize too much—in most cases the farmer would go to the county office. He would ask the county office manager, "Is there any possibility of my getting any more allotment?" And the county office manager would say, "Well, come back and see me Saturday, perhaps."

Then he would come in on Saturday and the county officer manager would say, "Well, I can get you 30 acres of allotment from the adjoining county, transferring it over here, belonging to John Doe," let us say.

And he would say, "It will cost you $20 an acre per year."

What happens? The farmer is agreeable to that. He pays the money to the county office manager for delivery to the other farmer but, in fact, the county office manager sticks it in his pocket. The allotment he brings over is either fictitious or has already been allocated somewhere else.

In some cases the farmer may be innocent. I mean, he may not be trying to bribe anybody. But he is getting additional allotment which is strictly contrary to our regulation.

It is this kind of case—in fact, we have had two county office managers in Texas indicted for violation of the Federal criminal law for accepting money under these circumstances.

Another man—a field man who is technically an employee of the State office—has been so indicted. Two other county office managers we thought were involved have died in the meantime.

It is this type of case in which our own people have accepted money from farmers that, as we interpret the bill, would not be covered by the resolution. And that is what we would like to have spelled out in the report to be sure that our understanding of the bill is correct.

Mr. Mauritz may have some comment on that, because we know he is interested in the bill. We would not want to interpret it contrary to his thoughts, if it is contrary to them.

Mr. MAURITZ. We concur 100 percent in what he has said. We are not trying to protect anybody who gets acres that are not legitimate acres.

Mr. JONES. Thank you.

Mr. HEIMBURGER. May I ask a question there?

Mr. JONES. Yes.

Mr. HEIMBURGER. Take the case of a farmer who 3 years ago did have some of this fictitious acreage that you have talked about, but completely innocent on his part. So far as the farmer is concerned, it would be a bona fide transaction. Let us assume he had no idea that the acreage which was being allocated to him was other than bona fide acres that somebody had and did not want to use.

What will be the effect on such an innocent participant who in 1939 had 30 acres under the interpretation that you are talking about?

Mr. SCHOONOVER. He has acquired an allotment in most cases that was either fictitious and did not exist or had been allocated somewhere else, and so was duplicated. And under our regulation, if we could make the facts stick, we would impose a penalty on that farm retroactively, you might say.

Mr. HEIMBURGER. In other words, he will then be subject to a marketing penalty?

Mr. SCHOONOVER. That is correct.

Mr. HEIMBURGER. For the year in which this occurred?

Mr. SCHOONOVER. That is correct; that is right. Of course, that is one of the questions involved in the court case. We have been expecting the decision, but we have not received it yet. Whether we can go back retroactively and do that, I mean.

But to generalize again. We think in most of those cases that the farmer who bought the acreage, even though he may have been assured by the county office manager that it was all right, knew there was something wrong about it.

Mr. MAURITZ. I would like to call your attention to the fact that we agreed with him 100 percent, to say that when we made that statement, there are other means whereby this farmer, if he thinks he is innocent of any wrongdoing, can defend himself.

Mr. SCHOONOVER. Sure.

Mr. MAURITZ. I do not personally think that he should be exempt for any acts of his, whether he be innocent or not. Under this resolution that we are asking to be passed, there are other means whereby he can get restitiution if he thinks that he is innocent, that he is an innocent purchaser.

Mr. SCHOONOVER. That is correct. We would apply the regulation. Then if we found the facts justified, we would impose a penalty. He then has a right to go, first, to the review committee, as you know, of the other farmers in the county who pass on the case. And if they find for the farmer, that is the end of it. If they find against him, he has the right to go to the U.S. district court or to the State court.

Technically, the role of the review committee is to review the facts on which the county committee made its determination. They are not supposed to go into it, to sit as a court of law or equity. They are just determining the facts. They are supposed to uphold the department's regulations. They are not supposed to say that the regulation is invalid. That is up to the court to do that. But they review the facts on which the county committee made its determination. If they disagree with the county committee, they can put their own interpretation on the facts. And if that is in the farmer's favor, that is the end of it, because the Government cannot appeal, but if it goes against the farmer, he has the right to go to court and follow it that way.

Mr. JONES. Thank you.

If there are no further questions, we thank you gentlemen.

We will now go to H.R. 101 by our colleague, Mr. Matthews. We will be glad to hear from you now, sir.

STATEMENT OF HON. D. R. (BILLY) MATTHEWS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. MATTHEWS. Mr. Chairman and members, thank you so much for this privilege.

H.R. 101, as the title indicates, is a bill to extend for 2 years the definition of peanuts which is now in effect under the Agricultural Adjustment Act of 1938, as amended.

My colleagues on the committee will recall that in 1957 we extended the definition of peanuts for a period of 2 years. The definition of peanuts was so worded so that peanuts for boiling purposes would not come under the provisions of acreage allotments.

The committee felt that the legislation should be on a 2-year basis because it wanted to make sure that there would be no complication from peanuts for boiling and peanuts used for other purposes.

I believe the history of this legislation is such as has proved beyond all shadow of a doubt that there is no complication.

I would like to call the attention of the chairman and the members of the committee to the boiled peanuts that are on the desk before you to illustrate the difference between boiled peanuts, crushed peanuts and other peanuts used for other purposes.

I think we can say, therefore, that there has been no conflict insofar as other uses of peanuts are concerned. We now, as I understand it, have about 1,500,000 acres of peanuts planted a year and there are only about 3,000 acres of peanuts that have been planted for boiling purposes. I think then we have no need for worry about the fact that peanuts planted for boiling purposes might cause some restriction in acreage allotments.

Mr. Chairman, this bill, although not of great importance, to many, is of tremendous importance to a lot of people who have modest incomes. In my section of the country, the boys and girls plant peanuts for boiling purposes and sell them, thereby making part of their expenses for their school work. In one county in my district, the county agent told me that peanuts planted for boiling purposes contributed immeasurably to the income of general farming in that county.

I, therefore, sir, hope that the committee will approve this bill. And may I suggest that the committee might want to consider the

possibility of making this legislation permanent. I have in this bill only suggested the privilege of planting peanuts for boiling purposes be extended for only 2 years. Whatever the committee would like to do in that connection, of course, is strictly in accord with my feeling. I personally feel that it would be better if we could make this legislation permanent legislation.

Thank you very much, Mr. Chairman. I believe that Mr. Thigpen, who is in the audience, will answer any questions on this. I shall attempt to answer any questions that you may have, too.

Mr. JONES. Mr. Thigpen, if you will come up and give us the Department's view on H.R. 101, please, we will appreciate it.

STATEMENT OF JAMES THIGPEN, DIRECTOR, OILS AND PEANUTS POLICY STAFF, ASCS, U.S. DEPARTMENT OF AGRICULTURE

Mr. THIGPEN. Mr. Chairman and members of the committee, the Department has reported favorably on the bill, and recommended that action be made permanent rather than being an extension.

Mr. JONES. The Department has recommended that it be made permanent?

Mr. THIGPEN. Yes.

Mr. JONES. Are there any questions that anybody would like to ask of Mr. Thigpen or of Mr. Matthews?

Mr. GATHINGS. How many acres would be involved in this?

Mr. MATTHEWS. It is my understanding from the last survey the Department of Agriculture made that it indicated 2,500 acres, approximately. Our feeling is now that there is no more than 3,000 acres out of a total of 1,500,000 acres being planted in peanuts.

I will ask Mr. Thigpen to make any further observations on this.

Mr. THIGPEN. I have no comment.

Mr. LEGGETT. What is the use made of these peanuts?

Mr. MATTHEWS. They are harvested when they are green. There are several plants that take the peanuts now and freeze them. Then they boil them with the moisture still in the peanuts. The schoolchildren about whom I talked pick the peanuts out in the fields and boil them immediately for sale at football games, or on the street.

These peanuts that you have before you are about 3 years old, by the way. I am interested to note that the processor did a good job. They are not soggy. A man who likes boiled peanuts is very careful to get a peanut that is not soggy. This man I think did a very good job.

Mr. GRANT. Do you boil them in salt water?

Mr. MATTHEWS. You put salt in the water solution. Of course, when you buy them in the can, the solution in the can is poured in, that is, the salt is put in there.

Mr. DOLE. As to the acreage under this bill, would the acreage increase under it, the 2,500 acres that you now have for this type of production? Would it increase in the years ahead?

Mr. THIGPEN. Congressman Dole, there is no indication up to the present time that it would increase. If the technique of harvesting and shelling were to be perfected, and freezing increased, then it could increase, if that were done, but the product would not have, in our judgment, any significant impact on our normal market for peanuts for edible use. It is a different type of product. That is why we have no concern about permanent extension.

Mr. DOLE. Mr. Matthews wants to make this permanent.

Mr. MATTHEWS. May we go off the record?

Mr. JONES. Yes.

(Discussion off the record.)

Mr. JONES. Are there any further questions?

Mr. GATHINGS. You just stated before that this was a 2-year extension.

Mr. MATTHEWS. This is the third time, Mr. Chairman, as I understand it, that we have had this up. We have extended it on a 2-year basis, and I believe that this is the third time for that.

Mr. BEERMANN. I would like to ask Mr. Matthews if he is quite happy with the supply management program for peanuts.

Mr. MATTHEWS. I think that the program for peanuts has worked out very well and has produced an attractive price. There are always opportunities for improvement. I know that I certainly will keep an open mind to any suggestions for improvement on this program.

Mr. BEERMANN. I would like to ask Mr. Matthews if there are any other exceptions to supply management programs that would be appropriate.

Mr. MATTHEWS. I do not know whether we would call it that. May I say that in my district that it is rather an opportunity for a new use of peanuts.

The emphasis of this bill is on opening the door of opportunity so that we can, you might say, have more opportunities rather than any new techniques in supply management.

Mr. BEERMANN. Would it be helpful in this area?

Mr. MATTHEWS. Mr. Chairman, I must say that we have had no chance to check on the legislation. I do not believe I am qualified to answer that question.

Mr. JONES. Are there any other questions? If not, we thank you, Mr. Matthews.

Mr. MATTHEWS. Thank you, Mr. Chairman. And may I ask permission for Congressman Fuqua of Florida, who has introduced similar legislation, to have his statement inserted in the record at this point.

Mr. JONES. We have his statement and it will be included in the record at this point.

(The prepared statement of Hon. Don Fuqua follows:)

STATEMENT OF HON. DON FUQUA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, I first wish to express my appreciation for being allowed to bring to you and the committee my statement concerning my bill, H.R. 1917, for the extension of the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938. I introduced this bill, having in mind the interest of the people of my district and it is also with that frame of mind that I now appear before you. In the area that I represent, along with that of my able colleague and a member of this committee, Mr. Matthews, peanuts prepared in this manner are a common product and a popular treat at various public gatherings and even just along the street. When they are sold in this manner the proceeds often go to supplement the income of a farm family or a young fellow seeking a source of small income.

As has been reported to this committee in previous hearings, the product enters the market as a green vegetable or novelty item rather than as do peanuts which we normally think of that are dry, roasted, or salted, or those made into peanut

butter or oil. The "boiled peanut" never enters the market in competition with the type of peanut production controlled by the acreage allotments and marketing quotas. Therefore, with this in mind, I feel that this is a reason whereby the subject legislation should receive favorable and affirmative consideration. I ask that the peanuts planted to be boiled be recognized as an entirely different commodity from other peanut products and be excluded from the programs designed to regulate the production of peanuts for conventional use.

The acreage for that of the "boiled peanut" is very small when we consider the total allotment for the entire production of peanuts. The Department of Agriculture tells me that the total allotment is 1,610,000 acres. At the last report of the acreage of peanuts exempted from this allotment, there were 2,206 acres. This was in 1960 and the Department states that this has not materially changed since then. The Department has stated in their letter to you, Mr Chairman, of February 19, 1963, that experience has shown that the exemption in no way adversely affects the supply adjustment and price support programs for peanuts, and the Department further recommends that a permanent extension of the present authority be enacted. This I think, speaks well for this bill.

Gentlemen, I request your affirmative action on this bill and favorably reporting it to the House floor for passage.

Mr. JONES. The committee will go into executive session now.

(Whereupon, at 11:30 a.m., the committee proceeded into executive session.)

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LEGISLATIVE HISTORY

Public Law 88-76
S. 582

TABLE OF CONTENTS

INDEX AND SUMMARY OF S. 582

Jan. 9, 1963	Rep. Matthews introduced H. R. 101 which was referred to the House Agriculture Committee. Print of bill as introduced.
Jan. 29, 1963	Sen. Holland introduced S. 582 which was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
Mar. 25, 1963	House subcommittee voted to report H. R. 101.
Apr. 30, 1963	House committee voted to report H. R. 101.
May 2, 1963	House committee reported H. R. 101 without amendment. H. Rept. No. 272. Print of bill and report.
May 6, 1963	House debated H. R. 101.
June 12, 1963	House Rules Committee reported resolution for consideration of H. R. 101. H. Res.
June 19, 1963	Senate committee voted to report S. 582.
June 20, 1963	Senate committee reported S. 582 without amendment. S. Rept. No. 285. Print of bill and report.
June 25, 1963	Senate passed S. 582 without amendment.
July 17, 1963	House passed S. 582 in lieu of H. R. 101.
	H. R. 101 laid on table due to passage of S. 582.
July 25, 1963	Approved: Public Law 88-76.

88TH CONGRESS
1ST SESSION

H. R. 101

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1963

Mr. MATTHEWS introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

I

88TH CONGRESS
1ST SESSION

H. R. 101

A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

By Mr. MATTHEWS

JANUARY 9, 1963

Referred to the Committee on Agriculture

88TH CONGRESS
1ST SESSION

S. 582

IN THE SENATE OF THE UNITED STATES

JANUARY 29 (legislative day, JANUARY 15), 1963

Mr. HOLLAND introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

I

88TH CONGRESS
1ST SESSION

S. 582

A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended.

By Mr. HOLLAND

JANUARY 29 (legislative day, JANUARY 15), 1963
Read twice and referred to the Committee on Agriculture and Forestry

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued March 26, 1963
For actions of March 25, 1963
88th-1st; No. 45

CONTENTS

HIGHLIGHTS: House subcommittee voted to report bills for transfer of rice allotment and continue exemption of green peanuts from allotments and quotas. Rep. Latta criticized "double standard" voting in wheat referendum. Sen. Talmadge criticized Common Market restriction on poultry imports. Reps. Olsen, Mont., and White introduced bills to provide two additonal USDA assistant secretaries.

HOUSE

1. STOCKPILING. Both Houses received from this Department a proposed bill "to provide for the stockpiling, storage, and distribution of essential foodstuffs including wheat and feed grains, to assure supplies to meet emergency civil defense needs, and other purposes"; to House Armed Services Committee and Senate Agriculture and Forestry Committee. pp. 4513, 4638

2. WHEAT. Rep. Latta criticized the Department's announcement that producers of less than 15 acres of wheat will be ineligible to vote in the referendum unless they agree to comply with quotas.

3. FOREIGN TRADE. Rep. Harvey criticized the President for not withdrawing most-favored nation treatment from Yugoslavia and P land especially relating to zinc products. pp. 4610-1

4. PUBLIC WORKS. Rep. Hechler urged the extension of accelerated public works program to decrease the unemployment problem. p. 4597

5. EXPENDITURES. Rep. Cannon discussed and inserted a table showing the net expenditures of fiscal 1963 compared with fiscal 1962. pp. 4598-9
   Rep. Joelson urged Congressmen to discover ways in their district to cut Federal expenditures including reduced farm supports and area redevelopment. p. 4602-3
   Rep. Foreman criticized the President's programs, stating they are "running up a deficit at more than twice the rate of the Eisenhower administration. pp. 4628-9

6. FLOOD CONTROL. Reps. Brown (Ohio), Schenck, and McCulloch praised the citizens in the Miami River valley (Ohio) area for their flood control projects completed without Federal aid. pp. 4599-4601

7. SALINE-WATER RESEARCH. Both Houses received from Interior a report pursuant to the Saline Water Act for the calendar year 1962. pp. 4514, 4638

8. SCHOOL LUNCH. Received from the D. C. Commissioners a proposed bill "to amend the District of Columbia Public School Food Services Act"; to D. C. Committee. p. 4638

9. RICE; PEANUTS. The Oilseed and Rice Subcommittee of the Agriculture Committee voted to report ~~H. R. 3742, relating to the transfer of producer rice acreage allotments; passed over H. J. Res. 192, relating to the validity of certain rice acreage allotments for 1962 and prior crop years;~~ and voted to report H. R. 101, to extend for 2 years the exemption of green peanuts from quotas. p. D170

10. ADJOURNED until Thurs., Mar. 28. p. 4638

SENATE

11. FOREIGN TRADE. Sen. Talmadge criticized Common Market levies on the importation of U. S. poultry as unreasonable and discriminatory, and inserted a Ga. Legislature resolution critical of these levies and urging the President to take action to have them removed. pp. 4533-4

12. FARM PROGRAM. Sen. Mansfield inserted the President's Chicago speech in which he commended the productive capacity of U. S. agriculture and urged enactment of his youth employment opportunities program. pp. 4528-30
   Sen. Carlson inserted a series of Kan. Livestock Assoc. resolutions condemning the use of USDA publications "to promote the 1964 wheat program," opposing proposed legislation to provide for regional planning of water resources, urging continuation of the National Livestock and Meat Board under its present method of financing, etc. pp. 4521-2

13. EXTENSION SERVICE. Received a Wyo. Legislature resolution urging a prohibition on the "use of the Cooperative Extension Service as a means of promoting political programs as a tool of the Federal Administration." p. 4518

14. COTTON. Received a S. C. Legislature resolution commending Secretary Freeman "for his action in holding the support price on 1963 upland cotton at 32.47 cents per pound." pp. 4519-20

15. WILDERNESS AREAS; FORESTRY. Received a Wyo. Legislature resolution opposing the creation or extension of wilderness areas in that State. p. 4520

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued May 1, 1963
For actions of April 30, 1963
88th-1st; No. 63

CONTENTS

HIGHLIGHTS; House committee voted to report bills to extend Mexican farm labor program, authorize transfer of rice allotments, and continue exemption of green peanuts from allotments and quotas. Senate debated supplemental appropriation bill. House passed Labor-HEW appropriation bill.

HOUSE

1. APPROPRIATIONS. Passed with amendments H. R. 5888, the Labor and Health, Education, and Welfare and related agencies appropriation bill for 1964. The bill includes funds for manpower development, training, and retraining activities, Mexican farm labor program, unemployment compensation for Federal employees, Food and Drug Administration, Office of Education, and Interstate Commission on the Potomac River Basin. It also retains a provision, which was in the bill last year, limiting to 20 percent the maximum amount that may be paid to a recipient of a research grant for indirect costs. pp. 6993-7029

Agreed to an amendment by Rep. Gross to prevent payment of salaries for study groups proposing establishment of a Domestic Peace Corps or National Service Corps. pp. 7028-9

Rejected, 25 to 79, amendments by Rep. Ryan (N.Y.), to prevent payments to school districts in impacted areas which practice discrimination. pp. 7017-9

2. FARM LABOR. Rep. Lindsay inserted an article summarizing the "plight of migrant farm workers and low income farm families" especially government aid processing "in a discriminatory and therefore ineffective fashion." pp. 7034-5

The Agriculture Committee voted to report (but did not actually report) H.R. 5497, to extend the Mexican farm labor program for two years. p. D273

3. RICE; PEANUTS. The Agriculture Committee voted to report (but did not actually report) ~~H. R. 3742, relating to the transfer of producer rice acreage allotments~~ and H. R. 101, to extend for two years the exemption of green peanuts from allotments and quotas. p. D273

4. WOOL. Rep. Cleveland criticized the imports of woolen goods as being responsible for the "troubles facing New Hampshire's wool industries." p. 7032

5. FOREIGN TRADE. Rep. Derwinski inserted an article criticizing the purchase of Russian wheat by Brazil, especially in light of our economic aid to Brazil and the United States' need "for customers for our vast store of surplus wheat." pp. 7032-3

6. TAXATION. Rep. Adair inserted an editorial urging tax reduction and stating that the American workers' "family needs $200 more than it needs new or expanded Federal projects". p. 7033

7. RECLAMATION. Received a communication from the President transmitting a proposed amendment to the budget for fiscal 1964 decreasing $2,622,000 from the Interior Department "to defer construction of irrigation facilities on the Seedskadee participating project pending final recommendations of the Wyo. reclamation projects survey" (H. Doc. 109). p. 7058

SENATE

8. APPROPRIATIONS. Continued debate on H. R. 5517, the supplemental appropriation bill, 1963. Pending at adjournment was a proposed amendment by Sen. Saltonstall to reduce the item for the public works acceleration program from $450 millio to $250 million. pp. 6925, 6940-61, 6971-4

At the request of Sen. Dirksen, permission was granted for printing as a Senate document a summary and analysis prepared by the staff of the Government Operations Committee "of the debates and actions of the Constitutional Convention of 1787 and other source materials with reference to the authority of the Senate to originate appropriation bills." p. 6892

9. FOOD FOR PEACE. Sen. Bartlett discussed problems in the domestic fishing industry and urged enactment of legislation to permit domestically produced fishery products to be distributed under the food for peace and Public Law 480 programs. pp. 6921-4

10. FOREIGN TRADE. Received resolutions from the Kan. Legislature urging that steps be taken to maintain the export of domestic agricultural products to countries of the European Common Market, to impose stricter control of the importation of beef and other red meats from foreign countries, and to investigate the buying and selling of beef and other red meats by large retail outlets. pp. 6875-6

Sen. Hruska favored enactment of legislation to provide additional restrictions on importation of products under the Antidumping Act. p. 6904

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued May 3, 1963
For actions of May 2, 1963
88th-1st; No. 65

CONTENTS

HIGHLIGHTS: House committee reported bills for additional research facilities for experiment stations, authorize transfer of rice allotments, and continue exemption of green peanuts from allotments and quotas. Senate passed bill to increase durum wheat allotments in Tulelake, Calif. Sen. Humphrey criticized Federal Power Commission efforts to regulate REA coops. Sen. Tower contended Russia profiting in buying and selling Cuban sugar. House subcommittee voted to report bill to provide that Secretary's authority under Packers and Stockyards Act shall not apply to deductions for promotion and research activities. House committee voted to report bill to increase public debt ceiling. Sen. Carlson introduced and discussed bill to regulate agricultural and forestry imports.

SENATE

1. WHEAT. Passed as reported S. 762, to provide for permanent increases in durum wheat allotments in the Tulelake area of Modoc and Siskiyou Counties, Calif. pp. 7214-5

2. ELECTRIFICATION. Sen. Humphrey stated that he "was astounded to learn that the Federal Power Commission recently has moved in the direction of exercising jurisdiction over the rural electric cooperatives," and contended that Congress never intended the Commission to exercise such jurisdiction. pp. 7226-9

   Sen. Douglas commended "the continuing contribution of rural electric cooperatives to our society," and inserted an editorial, "Private Utilities Open War on Rural Electric Co-ops." pp. 7213-4

3. SUGAR. Sen. Tower stated that Russia was making a profit in Cuban sugar by buying sugar at below the world market price and selling it at the world market price, and inserted tables showing the extent of Cuban-Russian trade in

sugar and an article, "Soviet Union Purchases of Cuban Sugar." pp. 7185-7

4. WOOL IMPORTS. Sen. McIntyre criticized increased imports of woolen goods and urged that strong representations be made concerning these imports at coming trade negotiations with European Common Market countries. p. 7222

5. RECREATION. Sen. Hart commended the increasing establishment of recreation facilities in rural areas, stated that "these beautiful rural areas of ours might as readily revitalize their economies by taking advantage of the natural attractions around them as by hustling for industry," and inserted several articles on the subject. pp. 7207-8

6. LANDS. Sen. Bartlett criticized the surveying techniques being used by Interior in surveying public lands in Alaska from which the State will select certain lands resulting from Statehood, urged that the surveys be accelerated and inserted several items on the situation regarding these surveys. pp. 7198-7202

7. BUDGETING. Continued consideration of S. 537, to provide for the establishment of a Joint Committee on the Budget composed of members of the Senate and House Appropriations Committees. p. 7210

8. NATIONAL SERVICE CORPS. Sen. Bartlett commended the proposed establishment of a National Service Corps and described how such a Corps could be used for work in Alaska. pp. 7202-4

9. ACCOUNTING. Sen. Douglas commended the work of the General Accounting Office, stating that it has "saved millions for the taxpayers." pp. 7197-8

10. WATER CONSERVATION. Sen. Sparkman inserted two items discussing the work of TVA in the conservation of water resources. pp. 7190-1

11. FARM LABOR. Sen. Williams (N. J.) submitted for printing a report of the Labor and Public Welfare Committee, "The Migratory Farm Labor Problem in the United States" (S. Rept. 167). p. 7177

12. DATA PROCESSING. Received from GAO a report "on the review of the excessive cost of leasing compared with buying certain electronic data processing equipment by the Department of the Air Force." p. 7176

13. ADJOURNED until Mon., May 6. p. 7245

HOUSE

14. RESEARCH. The Agriculture Committee reported without amendment H. R. 40, to assist the States to provide additional facilities for research at the State agricultural experiment stations (H. Rept. 271). p. 7286

15. RICE; PEANUTS. The Agriculture Committee reported without amendment ~~H. R. 3742, relating to the transfer of producer rice acreage allotments (H. Rept. 273) and~~ H. R. 101, to extend for two years the exemption of green peanuts from allotments and quotas (H. Rept. 272). p. 7288

16. LIVESTOCK AND MEATS. The Livestock and Feed Grains Subcommittee of the Agriculture Committee voted to report to the full committee H. R. 5860, to amend the Packers and Stockyards Act to provide that the authority of the Secretary shall not apply to deductions from the sales proceeds for the purpose of financing promotion or research activities relating to livestock, meats, and other products covered by the Act. p. D285

88TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 272

PEANUTS FOR BOILING

MAY 2, 1963.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 101]

The Committee on Agriculture, to whom was referred the bill (H.R. 101) to extend, for 2 years, the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the bill is to provide a 2-year extension of the definition of "peanuts" which is now contained in section 359(c) of the Agricultural Adjustment Act of 1938, as amended. Under this definition, any peanuts which are marketed, before drying or removal of moisture (either by natural or by artificial means), for consumption, exclusively, as boiled peanuts are excluded from the provisions of acreage allotments and marketing quotas. The present law will expire after the 1961 crop of peanuts. This bill will extend the definition through the 1962 and 1963 crops.

NEED FOR THE BILL

Section 359(c) was originally enacted by Public Law 85–127 and later extended by Public Law 86–358 and Public Law 87–239. The reason for excluding boiled peanuts from acreage allotments and marketing quotas was (and is) that, in some parts of the United States, immature peanuts are boiled and eaten as a green vegetable, similar to spinach or other fresh garden produce. These peanuts never enter the market in competition with salted peanuts or other forms of the product. This bill is a continuing recognition of the fact that peanuts for boiling are an entirely different commodity from other peanuts,

and should not be included in the programs designed to regulate the production of peanuts for conventional use.

The total exempted acreage involved is less than 3,000 acres and is primarily concentrated in five States: Alabama, Florida, Georgia, South Carolina, and Mississippi.

COST

The Department of Agriculture stated, and the committee anticipates, that this bill will result in no additional cost.

HEARINGS

The Subcommittee on Oilseeds and Rice held hearings on this bill on March 25, 1963. No opposition to H.R. 101 was expressed.

DEPARTMENTAL POSITION

The following report from the Department of Agriculture indicates approval of the proposed legislation with a recommendation that the bill be enacted with amendment to make the legislation permanent. The committee did not adopt the proposed amendment. The Department's report is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 19, 1963.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of January 22, 1963, for a report on H.R. 101, to extend, for 2 years, the exemption of "boiled peanuts" in the definition of "peanuts" which is in effect through the 1963 crop year under the Agricultural Adjustment Act of 1938, as amended.

The bill provides for a 2-year extension of the exemption of "boiled peanuts" in the definition of "peanuts" as contained in section 359(c) of the Agricultural Adjustment Act of 1938, as amended. This definition excludes from the provisions of acreage allotment and marketing quotas any peanuts which are marketed before drying or removal of moisture, either by natural or artificial means, for consumption exclusively as boiled peanuts. Such peanuts do not enter the market in competition with salted peanuts or other peanut products. Experience under the exemption during the past 6 years has shown that it does not adversely affect the supply adjustment and price support programs for peanuts.

On January 4, 1963, this Department addressed a letter to the Honorable John W. McCormack, Speaker of the House of Representatives, in which we recommended that the present definition of "peanuts" be extended without a time limitation. A copy of this letter and the proposed draft bill mentioned therein is enclosed.

The Department would prefer permanent extension of the present authority, but would have no objection to extending it for a 2-year period if Congress so determines.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

PUBLIC LAW 85–127, AS AMENDED

AN ACT To amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 359(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359(c)), be amended to read as follows:

"(c) The word 'peanuts' for the purposes of this Act shall mean all peanuts produced, excluding any peanuts which it is established by the producer or otherwise, in accordance with regulations of the Secretary, were not picked or threshed either before or after marketing from the farm, or were marketed by the producer before drying or removal of moisture from such peanuts either by natural or artificial means for consumption exclusively as boiled peanuts."

This amendment shall be effective for the 1957, 1958, 1959, 1960, 1961, 1962, [and 1963] *1963, 1964, and 1965* crops of peanuts.

MINORITY VIEWS

The effect of H.R. 101 is to protect part of the peanut crop—that intended for use as boiled peanuts—from supply management.

It is a milestone of some sort that the Committee on Agriculture finds it necessary—and wise—occasionally to pass a bill to protect American farmers from Government control (the plain-language term for supply management).

It is even more noteworthy that the Secretary of Agriculture, Orville L. Freeman, America's foremost advocate of supply management, favors this protection for the producers of peanuts for boiling. His only criticism of the bill is that it does not provide permanent protection from Government control. He recommends that this protection be permanent.

This same protection should be extended to all peanut farmers, and, indeed, to all farmers and all farm commodities.

Meanwhile, congratulations to this small but happy group of farmers who have been able to get Government protection from Government itself.

PAUL FINDLEY,
BOB DOLE.

○

Union Calendar No. 106

88TH CONGRESS
1ST SESSION

H. R. 101

[Report No. 272]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1963

Mr. MATTHEWS introduced the following bill; which was referred to the Committee on Agriculture

MAY 2, 1963

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

Union Calendar No. 106

88TH CONGRESS
1ST SESSION

H. R. 101

[Report No. 272]

A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

By Mr. MATTHEWS

JANUARY 9, 1963
Referred to the Committee on Agriculture

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14. PACKERS AND STOCKYARDS. The Agriculture Committee voted to report (but did not actually report) H. R. 5860, to amend the Packers and Stockyards Act so as to provide that the authority of the Secretary shall not apply to deductions from the sales proceeds for the purpose of financing promotion or research activities relating to livestock, meats, and other products covered by the Act. p. D292

15. WATERSHEDS. The "Daily Digest" states that the Agriculture Committee "approved four watershed projects." p. D292

16. EDUCATION. The "Daily Digest" states that the Special Subcommittee on Education of the Education and Labor Committee met in executive session regarding higher education and "Ordered a clean bill (H. R. 4797) introduced in the House." p. D292

17. PEANUTS. Debated under a motion to suspend the rules and pass H. R. 101, to extend for two additional years (through 1965) the exemption of green peanuts used for boiling from acreage allotments and quotas. After objections were raised, unanimous consent was granted, at the request of Rep. Albert, that the motion to suspend the rules and pass the bill be withdrawn. pp. 7368-9

18. FEED GRAINS. Rep. Findlay charged that Secretary Freeman "has used unrelated and inaccurate statistics" in support of feed-grain legislation, and urged the Senate Agriculture and Forestry Committee "to get the facts straight before giving the feed grains program a new 2-year lease on life." p. 7358

19. SUGAR. Rep. Vanik criticized the increase in the price of sugar and suggested that the Government "take prompt action to stifle profiteering by suspending the U. S. duty on sugar." p. 7358

20. FORESTRY. Passed with amendment S. 138, to redesignate and revise the boundaries of the Big Hole Battlefield National Monument, Mont., including the transfer of 160 acres of land from the Beaverhead National Forest to the Monument, after substituting the language of a similar bill, H. R. 3200, which was passed earlier in the day. H. R. 3200 was tabled. pp. 7364-5

21. PUBLIC DEBT. The "Daily Digest" states that the Ways and Means Committee reported H. R. 6009, to provide for temporary increases in the public debt limit (H. Rept. 277). p. D291

22. PERSONNEL. Rep. Olsen (Mont.) inserted the proceedings of the founding conference of the Federal Professional Association w hich organizes and aids professional employees in appearing before the Congress and the administrative departments of the Government concerning Federal career-service matters. pp. 7374-7

23. FOREIGN AGRICULTURE. Rep. Fuqua criticized the U. N. Special Funds project to aid Communist Cuba with an agricultural program. pp. 7377-8

24. VOCATIONAL EDUCATION. Rep. Fogarty urged passage of his bill H. R. 4027, the proposed Vocational Rehabilitation Amendments of 1963, which he stated provides more time for determining rehabilitation potential. p. 7386

25. FOREIGN TRADE. Rep. Reuss criticized "the Kennedy round-of-trade negotiations" with the Common Market and proposed eliminating the most-favored-nation treatment and forming a free trade area as a better strategy for producing "a reasonable attitude on the part of the Common Market." pp. 7386-9

26. FARM PROGRAM. Rep. Snyder inserted an article criticizing the ruling of ASCS against a wheat farmer assessed penalties for violations of planting allotments. pp. 7391-2

27. MANPOWER DEVELOPMENT. Rep. Curtis inserted a series of articles on the training and retraining of workers in the New England States under the Manpower Development and Training Act. pp. 7392-7

28. LANDS. Passed as reported H. R. 2073, to place certain submerged lands within the jurisdiction of Guam, the Virgin Islands, and American Samoa. pp. 7359-60

29. PERSONNEL. Passed over without prejudice H. R. 1819, to amend the Federal Employees Health Benefits Act of 1959 to provide additional choice of benefits plans, and H. R. 3517, to amend the Retired Federal Employees Health Benefits Act with respect to Government contribution for expenses incurred in the administration of the Act. p. 7358

ITEMS IN APPENDIX

30. FORESTRY. Extension of remarks of Rep. Fuqua commending forestry as a basic industry of this Nation and inserting articles and resolutions commenting on the Forestry Day program sponsored by the Seaboard Air Line Railroad. pp. A2743-5

31. HEALTH. Extension of remarks of Rep. Fogarty inserting an article, "Environmental Health Has Its Problems, Too." p. A2751

32. PUBLIC WORKS. Extension of remarks of Rep. Kilburn suggesting "political use" of accelerated public works funds and inserting an article on this subject. pp. A2753-4

33. FEED GRAINS. Extension of remarks of Rep. Hoeven inserting an article, "Wheat Farmers Coaxed With 'Sweetened' Bill." p. A2763

Extension of remarks of Rep. Rosenthal expressing support for passage of the feed grains bill. p. A2790

34. LOBBYING; PERSONNEL. Extension of remarks of Rep. Hall criticizing a remark by one of the congressional liaison officers of HEW, ("I am really just a lobbyi... and stating that if other liaison officers hold such views "they should be di... missed." p. A2764

35. YOUTH CORPS. Extension of remarks of Rep. Brotzman inserting an article, "Youth Corps Is Not the Realistic Solution." p. A2771

36. WHEAT. Extension of remarks of Rep. Hoeven stating that "I have contended for a long time that Secretary of Agriculture Freeman has been using undue influence in trying to get a favorable vote in the wheat referendum to be held on May 21, 1963," and inserting an article. pp. A2771-2

37. SUGAR. Extension of remarks of Rep. Latta inserting an article, "Users Not So Sweet--Kennedy Blamed for Sugar Price." pp. A2778-9

38. TRANSPORTATION. Extension of remarks of Rep. Dorn inserting a S. C. General Assembly resolution urging that consideration be given to legislation now pending to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities. pp. A2790-1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights the public lands, and the minerals therein, within the area described in section 2 of this Act are hereby withdrawn from all appropriations and other forms of disposition under the public land laws including the mining and mineral leasing laws and disposals of materials under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601–604), except as provided in subsection (b) of this section, and reserved for use of the Department of the Navy, subject to the condition that part or all of the reservation may be terminated at any time by the Secretary of the Navy upon notice to the Secretary of the Interior.

(b) The Secretary of the Interior may, with the concurrence of the Secretary of the Navy, authorize use or disposition of any of the lands or resources withdrawn and reserved by subsection (a) of this section.

(c) Upon request of the Secretary of the Interior at the time of termination of the reservation effected by this Act as provided in subsection (a) of this section, the Department of the Navy shall make safe for nonmilitary uses the land withdrawn and reserved or such portions thereof as may be specified by the Secretary of the Interior, by neutralizing unexploded ammunition, bombs, artillery projectiles, or other explosive objects and chemical agents. Thereafter, the Secretary of the Interior pursuant to law shall provide for the appropriate use or disposition of all or any part of the land withdrawn and reserved under provisions of this Act.

SEC. 2. The lands withdrawn and reserved by this Act are those that are now or may hereafter become subject to the public land laws within the area described as follows:

Approximately 312,659 acres, more or less, within the Mojave "B" Aerial Gunnery Range, San Bernardino County, California, and more fully described as follows:

township 25 south, range 44 east, sections 1 to 4 inclusive, sections 9 to 16 inclusive, sections 21 to 28 inclusive, and sections 33 to 36 inclusive;

township 26 south, range 44 east, sections 1 to 4 inclusive, sections 9 to 16 inclusive, sections 21 to 28 inclusive, and sections 33 to 36 inclusive;

township 27 south, range 44 east, sections 1 to 4 inclusive, and sections 9 to 12 inclusive;

township 29 south, range 44 east, sections 1 to 3 inclusive, sections 10 to 15 inclusive, sections 22 to 27 inclusive, and sections 34 to 36 inclusive;

township 30 south, range 44 east, sections 1 to 3 inclusive, sections 10 to 15 inclusive, sections 22 to 27 inclusive, and sections 34 to 36 inclusive;

township 25 south, range 45 east, sections 1 to 36 inclusive;

township 26 south, range 45 east, sections 1 to 36 inclusive;

township 27 south, range 45 east, sections 1 to 6 inclusive;

township 28 south, range 45 east, sections 31 to 36 inclusive;

township 29 south, range 45 east, sections 1 to 36 inclusive;

township 30 south, range 45 east, sections 1 to 34 inclusive, all of section 35 except south half of southwest quarter, and section 36;

township 25 south, range 46 east, sections 1 to 35 inclusive, and all of section 36 except east half of east half of northeast quarter;

township 26 south, range 46 east, sections 1 to 36 inclusive;

township 27 south, range 46 east, sections 1 to 6 inclusive;

township 28 south, range 46 east, sections 25 to 36 inclusive;

township 29 south, range 46 east, sections 1 to 36 inclusive;

township 30 south, range 46 east, sections 1 to 36 inclusive;

township 25 south, range 47 east, sections 5 to 8 inclusive, sections 17 to 20 inclusive, north half of section 29, north half of section 30, south half of section 31, and southwest quarter of section 32;

township 26 south, range 47 east, sections 4 to 9 inclusive, sections 16 to 21 inclusive, and sections 28 to 33 inclusive;

township 28 south, range 47 east, sections 19 to 21 inclusive; and sections 28 to 33 inclusive;

township 29 south, range 47 east, sections 3 to 10 inclusive, sections 15 to 22 inclusive, and sections 27 to 34 inclusive;

township 30 south, range 47 east, sections 3 to 10 inclusive; sections 15 to 22 inclusive; and sections 27 to 34 inclusive; Mount Diablo meridian.

With the following committee amendment:

Page 2, line 2, after the word "Navy" strike out the comma and insert "for a period of ten years with an option to renew the withdrawal and reservation for a period of five years upon notice to the Secretary of the Interior, and".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the consideration of all eligible bills on the Consent Calendar.

RE-REFERRAL OF THE BILL, H.R. 5342

Mr. MATHIAS. Mr. Speaker, by direction of the Committee on the Judiciary, I ask unanimous consent to refer the bill, H.R. 5342, to authorize the Association of Universalist Women to consolidate with the Alliance of Unitarian Women, and for other purposes, from the Committee on the Judiciary to the Committee on the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GREAT SMOKY MOUNTAINS NATIONAL PARK, N.C.

Mr. MORRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3887) to authorize the acceptance of donations of land in the State of North Carolina for the construction of an entrance road at Great Smoky Mountains National Park, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide suitable access to the Cataloochee section of Great Smoky Mountains National Park, the Secretary of the Interior is authorized to select the location of an entrance road from a point on North Carolina Highway Numbered 107 close to its point of interchange with Interstate Route Numbered 40, near Hepco, North Carolina, to the eastern boundary of the park in the vicinity of the Cataloochee section, and to accept, on behalf of the United States, donations of land and interests in land for the construction of the entrance road, and to construct the entrance road on the donated land: *Provided,* That the right-of-way to be acquired, by donation, for the entrance road shall be of such width as to comprise not more than an average of one hundred and twenty-five acres per mile for its entire length of about four and two-tenths miles, constituting in the aggregate about five hundred and twenty-five acres of land.

All property acquired pursuant to this Act shall become a part of the Great Smoky Mountains National Park upon acceptance of title thereto by the Secretary, and shall be subject to all laws, rules, and regulations applicable thereto.

SEC. 2. There is hereby authorized to be appropriated for construction of an entrance road on land acquired pursuant to this Act not more than $1,160,000.

The SPEAKER. Is a second demanded?

Mr. CHENOWETH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MORRIS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina, the sponsor of the bill [Mr. TAYLOR].

(Mr. TAYLOR asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, H.R. 3887 authorizes the acceptance of a donation of land in the State of North Carolina for the construction of an entrance road to the Smoky Mountains National Park leading into the Cataloochee area, and authorizes the construction of a road on the land accepted. The land acquired will become a part of the park and be subject to park control, but it will be used entirely as a right-of-way for the entrance road to be constructed. The State of North Carolina will acquire land and deed it to the Federal Government.

Cataloochee is a large and beautiful section of the park. Over 30 years ago this land was taken by the State of North Carolina from the many owners and given to the Federal Government to become part of the park. It is mostly cut over, contains farm houses and barns and is not wilderness territory. However, it is located near a beautiful stand of virgin timber and contains a mountain stream comparable to Merced River in Yosemite National Park.

This section of the park is very remote and inaccesible, however, at present Interstate 40, going from Knoxville, Tenn., to Asheville is under construction and will pass 8 miles from Cataloochee Valley and only 4.2 miles from the edge of the Smoky Mountains National Park, giving us the first real opportunity to construct an access road at a reasonable cost into this beautiful scenic valley.

Under the Federal Aid Highway Act of 1962, $25 million is authorized for national park road construction in 1965. I have been assured by the National Park Service that the cost of this road construction can be handled within the limits of that authorization. Therefore, the approving of this bill would not necessitate an appropriation increase above that already authorized.

SEC. 6. (a) No payment shall be made to any State under the provisions of section 4 of this Act in any amount greater than the amount made available by such State from non-Federal funds for purposes for which payments are made under section 4 of this Act.

(b) Any unused portion of the allotment of any State for any fiscal year shall remain available, at the option of such State, for payment to such State for a period of not more than two fiscal years following the fiscal year in which such allotment is first made available.

SEC. 7. With respect to multiple-purpose physical facilities, the segment or portion thereof which is to be utilized for agricultural research shall be the basis for determination of fund support under this Act.

SEC. 8. For each fiscal year that funds are made available for allocation to States under the provisions of section 4 and section 6 of this Act, the Secretary shall ascertain, at the earliest practicable date during such year, the amount of the allocation to which each State is entitled, and shall notify each State in writing promptly thereafter as to the amount of such allocation.

SEC. 9. (a) Any State agricultural experiment station authorized to receive payments under the provisions of section 4 of this Act shall have a chief administrative officer, to be know as a director, and a treasurer or other officer appointed by the governing board of such station. Such treasurer or other officer shall receive and account for all funds paid to such station pursuant to the provisions of this Act, and shall submit a report, approved by the director of such station, to the Secretary on or before the first day of September of each year. Such report shall contain a detailed statement of the amount received under the provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

(b) If any portion of the allotted funds received by the authorized receiving officer of any State agricultural experiment station shall by any action or contingency be diminished, lost, or misapplied, it shall be repaid by the State concerned, and until repaid no part of any subsequent appropriation shall be allocated or paid to such State.

SEC. 10. The Secretary shall make an annual report to the Congress during the first regular session of each year with respect to (1) payments made under this Act, (2) the facilities, by States, for which such payments were made, and (3) whether any portion of the appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

SEC. 11. (a) Any agricultural experiment station established by State law shall be eligible for benefits under this Act.

(b) With respect to any State in which more than one agricultural experiment station has been established, any appropriations allocated for the use of such State pursuant to the provisions of this Act shall be divided between or among such institutions as the legislature of such State shall direct.

SEC. 12. There is hereby authorized to be appropriated such sums as may be necessary for proper administration of this Act.

The SPEAKER. Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ABERNETHY asked and was given permission to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, this bill, H.R. 40, comes to the House with the unanimous endorsement of the Committee on Agriculture. This is the second time that the Committee on Agriculture has reported this legislation. It was first reported in the last Congress and passed on the 30th day of August 1962, without any objection whatsoever from the floor. It reached the Senate too late for consideration over there.

Mr. Speaker, this is a bipartisan measure. It has had the endorsement of the previous Secretary of Agriculture, Mr. Benson, as well as Secretary Freeman.

Companion bills have been introduced by various Members of the House. Authors of companion bills are the gentleman from Oklahoma [Mr. ALBERT], the gentleman from South Dakota [Mr. REIFEL], the gentleman from Indiana [Mr. HARVEY], the gentleman from Minnesota [Mr. QUIE], the gentlewoman from Washington [Mrs. MAY], and probably others.

Mr. Speaker, the purpose of the bill is to assist the States in the construction, acquisition, and remodeling of their agricultural experiment stations. Actually, this is not a new program. I will say to the Members of the House that there is already authority for Federal grants to State experiment stations but there is no particular formula under which the funds are to be distributed.

The principal objective of the bill is to provide an equitable formula for the distribution of grants among the States, which formula will be more or less comparable to that under which funds are now distributed to the Extension Service in the various States.

Mr. Speaker, the formula specifically provides that one-third of the funds shall be allocated to the States on an equal basis, another one-third on the basis of the rural population of each State, and the remaining one-third on the the basis of farm population.

Mr. Speaker, may I say that many of the facilities of our agricultural experiment stations are now quite old and very antiquated. They do not fit into the need of a modern, scientific research operation. Agriculture is now faced with many new plant and animal diseases, blights, insects, pests, and so on. Improvement in existing experiment and laboratory facilities is quite essential to meet this threat and to advance new uses and better marketing of agricultural commodities.

Mr. Speaker, I think this covers the high points of the bill. I shall be glad to yield to any Member who desires to propound a question.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I am glad to yield to the distinguished gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I should like to say that I think the bill is a good one and I am in favor of it. Fine work has been done by the experiment stations. May I inquire of the gentleman whether there is any estimate as to the amount of funds that would be needed under this program? There is nothing in the bill itself that gives any estimate as to what we may be entering into in the way of funding.

Mr. ABERNETHY. This bill simply authorizes that the moneys be distributed to the States under the formula that I have just mentioned. To be a little more specific, the directors of the experiment stations, under the leadership of Dr. Hawkins, of Oklahoma State University, as well as witnesses from the Department of Agriculture, testified that there was now a need for about $12 million of Federal funds for this purpose.

Mr. BOW. Do I understand the gentleman estimates that about $12 million will be used and will cover the experiment stations in the various States?

Mr. ABERNETHY. That covers current needs according to the testimony brought to us by the people who operate these stations and by the people in the Department of Agriculture.

Mr. BOW. On the question of the financing program, section 12 authorizes appropriated sums that may be necessary for the proper administration of the act. Will the gentleman give us some idea what the cost of the administration of the act will be.

Mr. ABERNETHY. I should not think there would be an additional dime of administrative cost. I do not see how there could be because already we have people in the Department of Agriculture who are administering an almost identical program, except that the distribution of funds is not made under the formula to which I have referred.

Mr. BOW. The gentleman feels that the adoption of this legislation would not mean that we are creating any more positions?

Mr. ABERNETHY. I certainly would not think so; no, sir.

Mr. BOW. And that the appropriation for administration would be about the same as it has been in the past?

Mr. ABERNETHY. Exactly.

Mr. BOW. I thank the gentleman.

Mr. HORAN. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I yield to the distinguished gentleman from Washington.

Mr. HORAN. I thank the gentleman from Mississippi for yielding to me because I do serve on the committee that will have to fund any result of this action. I am happy to see—and I read at this time from the report:

> The purpose of this bill is to authorize appropriation of Federal funds, on a matching basis, specifically for the purpose of assisting in the construction, acquisition, and remodeling of buildings, laboratories, and other physical facilities for agricultural research in the State agricultural experiment stations.

I make note of the word "specifically" and I assume my colleague from Mississippi intends that to mean exactly the way it sounds; that is true, is it not?

Mr. ABERNETHY. That is not my word; that is what the gentleman finds in the report. I might say to my friend from Washington that this bill sets up the ground rules for the distribution of Federal grants among the States for the erection, repair or construction of experiment stations and facilities, which incidentally are now authorized by law.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued June 13, 1963
For actions of June 12, 1963
88th-1st; No. 88

CONTENTS

HIGHLIGHTS: House rejected bill for additional authorizations for area redevelopment program. House Rules Committee cleared bill to continue the exemption of peanuts for boiling from allotments. House subcommittee voted to report bill to increase durum wheat allotments in Tulelake area, Calif. Rep. Roosevelt urged development of plans for greater use of domestic workers for farm labor.

HOUSE

1. AREA REDEVELOPMENT. By a vote of 204 to 209, rejected H. R. 4996, to provide additional authorization for loans and grants for the area redevelopment program (pp. 10082-123). Prior to this action, agreed to, by a vote of 159 to 154, an amendment by Rep. Lipscomb to provide that no assistance shall be extended to enable any foreign concern to establish plants or facilities, or establish or expand branch plants or facilities, in the United States (p. 10122).

Rejected the following amendments:

By Rep. Bolton, 94 to 130, to reduce the number of areas eligible for area redevelopment assistance. pp. 10114-8

By Rep. Smith (Iowa), as a substitute for the amendment by Rep. Bolton, to increase the number of areas eligible for area redevelopment assistance. pp. 10115-8

By Rep. Byrnes, 95 to 195, to prohibit industrial loans to add additional plant capacity to any industry which is already operating below normal capacity while meeting existing demand. pp. 10118-9

By Rep. Taft, 119 to 163, to reduce the amounts of the proposed authorizations in the bill. p. 10120

By Rep. Waggonner, 122 to 154, to include an anti-discrimination provision in the bill. p. 10122

2. PEANUTS. The Rules Committee reported a resolution for consideration of H. R. 101, to extend for two years the exemption of green peanuts from acreage allotments and quotas. p. 10140

3. WHEAT. The "Daily Digest" states that the Subcommittee on Wheat of the Agriculture Committee "ordered favorably reported to the full committee H. R. 3818 (a clean bill to be introduced), regarding increased wheat acreage allotments in the Tulelake area of California." p. D424

4. TERRITORIES; PACIFIC ISLANDS. The Interior and Insular Affairs Committee passed over H. R. 3198, to promote the economic and social development of the Trust Territory of the Pacific Islands. p. D425

5. FARM PROGRAM. Rep. Bruce criticized administration farm policies, particularly relating to wheat and cotton, during remarks criticizing administration policies generally. p. 10135

6. FARM LABOR. Rep. Gathings urged reconsideration of the action of the House in rejecting legislation to extend the Mexican farm labor program and inserted an article critical of the rejection of the legislation. p. 10130

Rep. Roosevelt urged that steps be taken by the Labor Department to assure that domestic workers will be made available for work on farms as a result of rejection of the Mexican farm labor extension bill. p. 10125

7. ELECTRIFICATION. The Subcommittee on Irrigation and Reclamation voted to report to the Interior and Insular Affairs Committee with amendment S. 1007, to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region. p. D425

8. PURCHASING; VEHICLES. The Interstate and Foreign Commerce Committee voted to report but did not actually report) with amendment H.R. 1341, to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards prescribed by the Secretary of Commerce. p. D425

9. RESEARCH. Rep. Pucinski favored enactment of legislation to provide for the establishment of a national research data processing and information retrieval center. pp. 10126-30

10. APPROPRIATIONS. The Appropriations Committee was granted permission until midnight Fri., June 14, to file a report on the State, Justice, and Commerce and related agencies appropriation bill for 1964. p. 10082

SENATE

11. INTERIOR AND INSULAR AFFAIRS COMMITTEE voted to report (but did not actually report) the following bills: S. 793, with amendment, to promote the conservation of migratory waterfowl within the Pacific flyway; S. 851, without amendment, to authorize the Secretary of the Interior to market electric power generated at Amistad Dam on the Rio Grande; H. R. 131, to provide for the renewal of certain municipal, domestic, and industrial water supply contracts entered into under the Reclamation Projects Act of 1939; S. 614, to authorize the use of water from the San Juan-Chama unit of the Colorado River storage project for recreational purposes; H. J. Res. 180, to authorize the continued use of certain lands within the Sequoia National Park for a hydroelectric project; H. R. 3845, to amend the Lead-Zinc Small Producers Stabilization Act to

88TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 381

CONSIDERATION OF H.R. 101

JUNE 12, 1963.—Referred to the House Calendar and ordered to be printed

Mr. ELLIOTT, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 401]

The Committee on Rules, having had under consideration House Resolution 401, report the same to the House with the recommendation that the resolution do pass.

O

House Calendar No. 80

88TH CONGRESS
1ST SESSION

H. RES. 401

[Report No. 381]

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1963

Mr. ELLIOTT, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 101) to extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such

amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

House Calendar No. 80

88TH CONGRESS
1ST SESSION

H. RES. 401

[Report No. 381]

RESOLUTION

Providing for the consideration of H.R. 101, a bill to extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

By Mr. ELLIOTT

JUNE 12, 1963

Referred to the House Calendar and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued June 20, 1963
For actions of June 19, 1963
88th-1st; No. 92

CONTENTS

HIGHLIGHTS: Both Houses received President's civil rights message. Senate committee voted to report bills re experiment stations research facilities, agricultural land development Alaska, penalties on misuse of feed in disaster areas, transfer of tobacco allotments, and allotment exemption for green peanuts. Senate committee reported Packers and Stockyards bill re deductions for promotion and research activities. Sen. Williams (Del.) criticized Common Market import duties on poultry.

SENATE

1. CIVIL RIGHTS. Both Houses received the President's message on civil rights (H. Doc. 124)(pp. 10533-9, 10552-7). The message includes proposals for additional funds to broaden the Manpower Development and Training Program, additional funds to finance the pending Youth Employment bill, expansion of the vocational education program, permanent extension of the Committee on Equal Employment Opportunity, and enactment of legislation to make it clear that the Federal Government is not required, under any statute, to furnish any kind of financial assistance, by way of grant, loan, contract, guaranty, insurance, or otherwise, to any program or activity in which racial discrimination occurs.

Several Senators debated the merits of the President's civil rights proposals. pp. 10473-4, 10475, 10476-8, 10485-6, 10511, 10513-4, 10539-49

2. AGRICULTURE AND FORESTRY COMMITTEE voted to report (but did not actually report) the following bills: ~~H. R. 40, to authorize additional funds for construction of research facilities at State agricultural experiment stations, S. 623, to provide for a program of agricultural land development in Alaska, S. 581, with amendment, to extend provisions of law for the lease and transfer of tobacco acreage allotments, S. 400, to provide uniform penalties for misuse of feed made available in disaster areas~~, S. 582, to continue the exemption of green peanuts from acreage allotments and quotas, ~~S. 1388, to add certain lands to~~ Cache National Forest, Utah, and S. 51, to authorize relinquishment to Wyo. of the jurisdiction over the Pole Mountain District of Medicine Bow National Forest. p. D452

3. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects: Buckhorn-Mesa, Ariz., Tupelo Bayou, Ark., Naaluhu, Hawaii, Bear-Pierce-Cedar, Nebr., Bellwood, Nebr., Caney Creek, Okla., and Thompson Creek, Tenn. (supplemental plan). p. D452

4. PACKERS AND STOCKYARDS. The Agriculture and Forestry Committee reported without amendment H. R. 5860, to amend the Packers and Stockyards Act so as to provide that the authority of the Secretary shall not apply to deductions from the sales proceeds for financing promotion or research activities relating to livestock, meats, and other products covered by the Act(S. Rept. 280). p. 10460

5. EXPORT-IMPORT BANK. The Banking and Currency Committee reported with amendment H. R. 3872, to increase the lending authority of the Export-Import Bank of Washington (S. Rept. 262). pp. 10459-60

6. LUMBER; TARIFF. The Commerce Committee reported without amendment S. 1032, to exclude cargo which is lumber from certain tariff filing requirements under the Shipping Act of 1916 (S. Rept. 261). p. 10460

7. LANDS. The Interior and Insular Affairs Committee reported without amendment S. 535, to extend the principles of equitable adjudication to sales of land under the Alaska Public Sale Act (S. Rept. 264). p. 10460

The Interior and Insular Affairs Committee reported with amendment S. J. Res. 17, to designate the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, and the recreation area contiguous to such lake in Wyo. and Utah, as "O'Mahoney Lake and Recreation Area" (S. Rept. 279). p. 10460

8. ELECTRIFICATION. Passed without amendment H. J. Res. 180, to authorize continued use of certain lands within the Sequoia National Park for a hydroelectric project. This measure will now be sent to the President. p. 10525

9. PROPERTY. Passed as reported S. 1326, to provide for the conveyance by the Department of the Interior of certain mineral interests of the U. S. in property in S. C. to the record owners of the surface of the property (relates to mineral interests transferred from the Farmers Home Administration to the Department of the Interior). pp. 10529-31

10. WATER RESOURCES. Passed as reported S. 614, to authorize the Secretary of the Interior to make water available for a permanent pool for recreation purposes at Cochita Reservoir from the San Juan-Chama unit of the Colorado River storage project. pp. 10523-4

Digest of CONGRESSIONAL PROCEEDINGS
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued June 21, 1963
For actions of June 20, 1963
88th-1st; No. 93

CONTENTS

HIGHLIGHTS: Senate committee reported bills re experiment stations research facilities, agricultural land development in Alaska, penalties on misuse of feed in disaster areas, transfer of tobacco allotments, and exemption of green peanuts from allotments. Sen. Humphrey commended passage of migratory farm labor bills. Sen. Long (Mo.) urged expanded food for peace program. Reps. Fountain and Dwyer introduced and discussed bills to provide review of Federal grants-in-aid.

SENATE

1. AGRICULTURE AND FORESTRY COMMITTEE reported the following bills: p. 10623

H. R. 40, without amendment, to authorize the appropriation of Federal funds, on a matching basis, specifically for the purpose of assisting in the construction, acquisition, and remodeling of buildings, laboratories, and other physical facilities for agricultural research in State agricultural experiment stations (S. Rept. 288).

S. 623, without amendment, to authorize this Department to institute a program of agricultural land development in Alaska (S. Rept. 287).

S. 400, without amendment, to establish penalties for misuse of feed made available by this Department for relieving distress or preservation and maintenance of foundation herds (S. Rept. 284).

S. 581, with amendment, to extend present provisions of law permitting the lease and transfer of tobacco acreage allotments (S. Rept. 286).

S. 582, without amendment, to extend for two years the present exemption of green peanuts from allotments and quotas (S. Rept. 285).

S. 1388, without amendment, to provide for the addition of lands to the Cache National Forest, Utah (S. Rept. 283).

S. 51, without amendment, to authorize this Department to relinquish to Wyo. jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District (S. Rept. 282).

2. TAXATION. The Finance Committee reported without amendment H. R. 6755, to continue for one year (until July 1, 1964) the present combined 52 percent corporate income tax rate and the present rates of excise tax on distilled spirits, beer, wine, cigarettes, passenger cars, automobile parts and accessories, general telephone service, and transportation of persons by air (S. Rept. 281). p. 10623

3. LANDS. Passed as reported S. J. Res. 17, to designate the lake to be formed by waters impounded by the Flaming Gorge Dam, Utah, as "Lake O'Mahoney." p. 10670

4. TRANSPORTATION. Began debate on S. 684, to provide that the Interstate Commerce Commission may approve the application of a freight forwarder if the Commission finds that the transaction proposed will enable the applicant to use the service of the motor carrier or freight forwarder to public advantage in its operations, will be consistent with the public interest, and will not unduly restrain competition. pp. 10653-62

Sen. Miller submitted amendments intended to be proposed to this bill, S. 684. p. 10633

5. FOOD FOR PEACE. Sen. Long (Mo.) commended and urged expansion of the food for peace program, stated that the present program "only scratches the surface of the problem," and inserted an editorial in support of his views. p. 10652

6. FARM LABOR. Sen. Humphrey commended recent Senate passage of several bills to provide aid to migratory farm workers and inserted two items commending Sen. Williams (N.J.) for his efforts in the passage of this legislation. pp. 10634-5

7. INFORMATION. Sen. Humphrey commended the establishment of an Advisory Council on the Arts by the President as "a historic step forward in building a more productive and enlightened relationship between the Federal Government and th artistic and cultural life of this country." pp. 10643-6

8. TOBACCO. Sen. Neuberger expressed concern over the possible harmful effects of cigarette smoking and stated that she intended to introduce legislation soon to ban distribution of free cigarette samples to minors, restrict the permissible tar and nicotine yields from cigarettes, and provide for a moderate increase in cigarette taxes. pp. 10637-9

9. DOMESTIC PEACE CORPS. Sen. Kennedy inserted an editorial supporting enactment of legislation to provide for the establishment of a Domestic Peace Corps. pp. 10646-7

10. NOMINATIONS. The Jt. Committee on Atomic Energy reported the nominations of Glenn T. Seaborg and Gerald F. Tape to be members of the Atomic Energy Commission. p. 10643

11. FOREIGN AID. Sen. Keating submitted amendments intended to be proposed to the foreign aid authorization bill "to insure that U. S. funds are not used to subsidize aggressive military ventures and purchases of Soviet military equipment on the part of aid recipients." pp. 10633-4

Calendar No. 265

88TH CONGRESS, 1st Session | SENATE | REPORT No. 285

EXEMPTION OF PEANUTS FOR BOILING FROM MARKETING QUOTAS

JUNE 20, 1963.—Ordered to be printed

Mr. HOLLAND, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 582]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 582), to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill extends for 2 years the present exemption of peanuts for boiling from marketing quotas. The present exemption, which has been in effect since 1957, would otherwise expire with the 1963 crop.

The report from the Department of Agriculture favoring this legislation is attached.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 5, 1963.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of January 31, 1963, for a report on S. 582 to extend for 2 years the exemption of boiled peanuts in the definition of "peanuts" which is in effect through the 1963 crop year under the Agricultural Adjustment Act of 1938, as amended.

The bill provides for a 2-year extension of the exemption of boiled peanuts in the definition of "peanuts" as contained in section 359(c) of the Agricultural Adjustment Act of 1938, as amended. This definition excludes from the provisions of acreage allotment and marketing quotas any peanuts which are marketed before drying or removal of moisture, either by natural or artificial means, for consumption exclusively as boiled peanuts. Such peanuts do not enter

the market in competition with salted peanuts or other peanut products. Experience under the exemption during the past 6 years has shown that it does not adversely affect the supply adjustment and price-support programs for peanuts.

On January 4, 1963, this Department addressed a letter to the Honorable Lyndon B. Johnson, Vice President of the United States, in which we recommended that the present definition of "peanuts" be extended without a time limitation. A copy of this letter and proposed draft bill mentioned therein is enclosed.

The Department would prefer permanent extension of the present authority, but would have no objection to extending it for a 2-year period if Congress so determines.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 85–127, AS AMENDED

AN ACT To amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 359(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359(c)), be amended to read as follows:

"(c) The word 'peanuts' for the purposes of this Act shall mean all peanuts produced, excluding any peanuts which it is established by the producer or otherwise, in accordance with regulations of the Secretary, were not picked or threshed either before or after marketing from the farm, or were marketed by the producer before drying or removal of moisture from such peanuts either by natural or artificial means for consumption exclusively as boiled peanuts."

This amendment shall be effective for the 1957, 1958, 1959, 1960, 1961, 1962, [and 1963] *1963, 1964, and 1965* crops of peanuts.

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Calendar No. 265

88TH CONGRESS
1ST SESSION

S. 582

[Report No. 285]

IN THE SENATE OF THE UNITED STATES

JANUARY 29 (legislative day, JANUARY 15), 1963

Mr. HOLLAND introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

JUNE 20, 1963

Reported by Mr. HOLLAND, without amendment

A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

Calendar No. 265

88TH CONGRESS
1ST SESSION

S. 582

[Report No. 285]

A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended.

By Mr. HOLLAND

JANUARY 29 (legislative day, JANUARY 15), 1963
Read twice and referred to the Committee on Agriculture and Forestry

JUNE 20, 1963
Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued June 26, 1963
For actions of June 25, 1963
88th-1st; No. 95

CONTENTS

HIGHLIGHTS: Senate debated area redevelopment bill. Both Houses passed measure to continue appropriations to Aug. 31. Senate passed bills to add lands to Cache National Forest, amend penalty law on disaster feed relief, extend law on lease and transfer of tobacco allotments, and authorize Alaska land development. Sen. Burdick commended 50th year of marketing services. Sen. Humphrey urged strong negotiations with Common Market regarding agricultural exports. Sen. Morse commended new USDA national forest access regulations. Rep. Nelsen introduced and discussed bill on animal-drug regulation. Rep. Findley charged pressure on radio and TV stations in wheat referendum. Rep. Hemphill urged changes in two-price cotton system. Rep. Hoeven urged non-payment of lobbying fee under Sugar Act.

SENATE

1. APPROPRIATIONS. Both Houses passed without amenement H. J. Res. 508, to continue until passage of the 1964 appropriations or August 31, 1963, whichever occurs first, appropriations for Government agencies (H. Rept. 448, S. Rept. 306). This measure will now be sent to the President. Sen. Hayden explained the coverage of the measure as follows:

"In those instances when bills have passed both bodies and the amounts or authority therein differ, the pertinent project or activity shall be continued under the lesser of the two amounts approved or under the more restrictive authority.

"When a bill has passed only one House, or when an item is included in only one version of the bill as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate of operations not exceeding the fiscal

1963 rate or the rate permitted by the one House, whichever is lower.

"In instances when neither House has passed appropriation bills for fiscal 1964, amounts are approved for continuing projects or activities conducted in fiscal 1963 not in excess of the current year's rate or at the rate provided for in the budget estimate, whichever is lower."

2. AREA REDEVELOPMENT. Began debate on S. 1163, to increase the authorizations under the Area Redevelopment Act. pp. 10932-4, 10947-85

3. FORESTRY. Passed without amendment S. 1388, to add lands to the Cache National Forest, Utah. pp. 10910-12

Sen. Morse reviewed and commended the development and provisions of the new USDA regulations on access to national forest lands. pp. 10995-7

Passed without amendment S. 51, to authorize the Secretary of Agriculture to relinquish to Wyo. jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District. p. 10910

Sen. Neuberger inserted an article, "The Oregon Dunes: The Sands That Time Will Not Save." p. 10919

4. DISASTER RELIEF. Passed without amendment S. 400, to establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds. p. 10912

5. PEANUTS. Passed without amendment S. 582, to continue for two additional years the exemption of boiled peanuts from allotments and quotas. pp. 10912, 10915

6. TOBACCO. Passed as reported S. 581, to extend for two additional years the provisions permitting lease of tobacco acreage allotments. pp. 10912-3

7. ALASKA LAND DEVELOPMENT. Passed without amendment S. 623, to provide for a land development program in Alaska. pp. 10913-4

8. RESEARCH. At the request of Sen. Mansfield, passed over H. R. 40, to assist the States to provide additional research facilities at the State agricultural experiment stations. p. 10914

9. MARKETING. Sen. Burdick reviewed and commended the USDA marketing services work on its 50th anniversary. pp. 10919-21

10. FOREIGN TRADE. The Finance Committee reported without amendment H. R. 2827, to extend until June 30, 1966, the suspension of duty on imports of crude chicory and reduction in duty on ground chicory (S. Rept. 308), and H. R. 4174, to continue through June 30, 1964, the suspension of duties on metal scrap (S. Rept. 309). p. 10891

Sen. Javits inserted letters commenting on his recent speech recommending a reappraisal of the Trade Expansion Act, etc. pp. 10904-7

Sen. Morse inserted correspondence with Christian Herter on possible control of lumber imports. pp. 10997-8

11. TIME STANDARDS. The Commerce Committee reported with amendments S. 1033, "to establish a uniform system of time standards and measurement for the United States and to require the observance of such time standards for all purposes" (S. Rept. 312), and several Senators were added as cosponsors. p. 10892

12. TRANSPORTATION. Passed as reported S. 530, to provide for an investigation or study of means of making the Great Lakes and the St. Lawrence Seaway available for navigation during the entire year. pp. 10909-10

lowing the east line of said section 24 522.4 feet; thence north 65 degrees 16 minutes west 250.3 feet; thence along a regular curve to the left with a radius of 3,743.2 feet, for an arc distance of 1,606.0 feet; thence north 0 degrees 08 minutes east 78.9 feet to the north line of said section 24; thence south 89 degrees 52 minutes east along the section line 1,783.4 feet to the point of beginning, containing 10.2 acres.

A tract of land in sections 18 and 19, township 6 north, range 2 east. Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southwest corner of said section 18 and running thence north 0 degrees 21 minutes east along the west line of said section 18, 3,960.0 feet; thence north 88 degrees 39 minutes east 150.0 feet; thence south 1 degree 22 minutes east 318.2 feet; thence north 88 degrees 38 minutes east 15.0 feet; thence south 1 degree 00 minutes east 137.0 feet; thence east 280.0 feet; thence south 159.0 feet;

thence north 88 degrees 49 minutes east 406.0 feet; thence south 51 degrees 20 minutes east 96.1 feet; thence south 71 degrees 13 minutes east 158.4 feet; thence south 54 degrees 15 minutes east 162.6 feet; thence south 25.0 feet; thence south 41 degrees 53 minutes east 233.7 feet; thence south 57 degrees 04 minutes east 408.1 feet;

thence north 88 degrees 39 minutes east 120.0 feet; thence south 1 degree 21 minutes east 64.0 feet; thence south 67 degrees 27 minutes east 144.4 feet; thence north 1 degree 21 minutes west 59.1 feet; thence north 89 degrees 14 minutes east 58.7 feet; thence south 3 degrees 43 minutes east 228.1 feet;

thence east 55.5 feet; thence south 18 degrees 28 minutes east 139.2 feet; thence south 27 degrees 28 minutes east 332.6 feet; thence south 89 degrees 11 minutes east 131.3 feet; thence south 4 degrees 30 minutes east 494.1 feet; thence south 43 degrees 29 minutes east 307.2 feet; thence south 85 degrees 12 minutes east 145.9 feet;

thence south 4 degrees 45 minutes east 769.2 feet; thence south 3 degrees 48 minutes west 300.0 feet; thence westerly 70.0 feet, more or less; thence south 6 degrees 15 minutes east 235.0 feet; thence south 42 degrees 00 minutes east 115.2 feet; thence east 164.5 feet; thence south 9 degees 00 minutes east 1,025.2 feet; thence south 54 degrees 00 minutes east 365.7 feet;

thence along a regular curve to the right with a radius of 1,850.08 feet for an arc distance of 1,126.0 feet, the tangent at the beginning of the curve bears south 64 degrees 09 minutes west; thence north 5 degrees 00 minutes east 61.8 feet; thence north 9 degrees 15 minutes east 400.0 feet; thence north 85 degrees 14 minutes west 1,191.0 feet; thence north 401.0 feet; thence south 82 degrees 20 minutes west 256.0 feet; thence south 31 degrees 38 minutes west 231.8 feet.

thence west 120.0 feet; thence south 1 degree 30 minutes west 204.6 feet; thence north 65 degrees 16 minutes west 766.7 feet to the west line of said section 19; thence north 522.4 feet to the point of beginning containing 246.0 acres.

A tract of land in the northwest quarter of the northeast quarter of section 13, township 6 north, range 1 east, Sait Lake base and meridian, being morc particularly described as follows:

Beginning at the southwest cornor of said northwest quarter northeast quarter, from which point the north quarter corner of said section 13 bears north 0 degrees 57 minutes east 1,320.0 feet, and running thence north 0 degrees 57 minutes east along the west line of said northwest quarter northeast quarter 195.0 feet; thence north 65 degrees 04 minutes east 361.3 feet;

Thence south 51 degrees 18 minutes east 284.6 feet; thence east 322.0 feet; thence south 170.0 feet, more or less, to the south line of said northwest quarter northeast quarter; thence north 89 degrees 57 minutes west 875.0 feet, more or less, to the point of beginning, containing 4.4 acres.

A tract of land in the southeast quarter of the southeast quarter of section 12 and the northeast quarter of the northeast quarter of section 13, township 6 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the northeast corner of said section 13 and running thence south along the east line of said section 13 576.0 feet to a point on the north line of First Street of the Huntsvilie townsite; thence south 88 degrees 39 minutes west 473.3 feet; thence north 0 degrees 07 minutes east 75.0 feet;

thence north 61 degrees 26 minutes west 496.4 feet; thence north 4 degrees 53 minutes west 284.7 feet to a point on the south line of section 12; thence continuing north 4 dcgrees 53 minutes west 349.3 feet; thence north 9 degrees 37 minutes east 196.5 feet;

thence east 40.0 feet; thence north 2 degrees 47 minutes east 120.0 feet, more or less, to the north line of the south half southeast quarter southeast quarter of section 12; thence east along said line, 900.0 feet, more or less, to the east line of said section 12, thence south 0 degrees 21 minutes west 660.0 feet to the point of beginning, containing 24.9 acres.

A tract of land in the southwest quarter of the southwest quarter of section 6 and in the west half of section 7 and in the north half of the northwest quarter of section 18, township 6 north, range 2 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southwest corner of said section 7 and running thence north 0 degrees 21 minutes east along the section line 5,280.0 feet to the southwest corner of said section 6; thence continuing north along the section line 1,320.0 feet, thence east 1,320.0 feet; thence south 1,320.0 feet to the north line of said section 7;

thence south 3,960.0 feet; thence north 88 degrees 43 minutes east 500.0 feet; thence south 3 degrees 00 minutes east 1,232.0 feet; thence south 71 degrees 24 minutes west 301.3 feet to the north line of said section 7; thence south 24 degrees 44 minutes west 310.2 feet; thence south 130.5 feet; thence south 88 degrees 39 minutes west 335.25 feet;

thence north 130.5 feet; thence south 88 degrees 08 minutes west 121.5 feet; thence north 76.0 feet; thence south 88 degrees 27 minutes west 414.9 feet; thence south 6 degrees 45 minutes east 192.0 feet; thence west 100.0 feet; thence south 34 degrees 02 minutes west 220.0 feet; thence south 88 degrees 39 minutes west 419.1 feet to west line of said section 18; thence north 576.0 feet to the point of beginning, containing 230 acres, more or less.

A tract of land in sections 1, 2, 3 and 12, township 6 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the northwest corner of said section 2 and running thence east along the section line 5,280.0 feet to the northwest corner of said section 1; thence east along the section line 5,280.0 to the northeast corner of said section 1; thence south along the section line 5,280.0 feet to the northeast corner of said section 12; thence south along the section line 1,320.0 feet;

thence west 1,320.0 feet; thence north 1,320.0 feet to a point on the south line of said section 1; thence west along the section line 1,320.0 feet; thence north 3,960.0 feet; thence west 2,640.0 feet to a point on the east line of said section 2; thence south along the section line 2,640.0 feet; thence west 1,320.0 feet; thence south 1,320.0 feet to a point on the south line of said section 2;

thence west along the section line 1,320.0 feet; thence north 3,960.0 feet; thence west 2,640.0 feet to the east line of said section 3; thence west 3,960.0 feet; thence north 1,320.0 feet to the north line of said section 3; thence east along the section line 3,960.0 feet to the point of beginning, containing 920.0 acres.

A tract of land in the south half of the south half of section 36, township 7 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southeast corner of said section 36 and running thence north along the west line of said section 36 1,320.0 feet; thence east 3,300.0 feet; thence south 1,320.0 feet to the south line of said section 36; thence west along said south line 3,300.0 feet to the point of beginning, containing 100 acres.

A tract of land in the south half of section 34, township 7 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southeast corner of said section 34 and running thence north along the east line of said section 34 1,980.0 feet; thence west 3,960.0 feet; thence south 1,980.0 feet to the south line of said section 34; thence east along said south line 3,960.0 feet to the point of beginning, containing 180 acres.

SEC. 2. All lands of the United States within such extended boundaries together with all federally owned lands within the former forest boundary which are included within the enlarged Pineview Reservoir site in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, and 24 township 6 north range 1 east sections 6, 7, 18, and 19, township 6 north, range 2 east, and sections 34 and 36, township 7 north, range 1 east, Salt Lake basin and meridian, and including any lands within such boundaries hereafter acquired by the United States in connection with the Weber Basin project, shall hereafter be national forest lands subject to the laws, rules, and regulations applicabie to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended: *Provided*, That none of these lands shall be sold, exchanged, or otherwise be disposed of by the Secretary of Agriculture without the approval of the Secretary of the Interior and any revenue from disposal so authorized shall be credited pursuant to reclamation law.

SEC. 3. (a) The Secretary of Agriculture shall make available, from the lands referred to in the foregoing sections of this Act, to the Bureau of Reclamation of the Department of the Interior, such lands as the Secretary of the Interior finds are needed in connection wih the Weber Basin and Ogden River reclamation projects, and shall include particularly as a minimum area needed for such project, all the normal water surface area of the Pineview Reservoir and an adjacent border strip extending out from such water surface area a minimum horizontal distance of 100 feet around said reservoir, and in addition all the reclamation acquired land in section 16, township 6 north, range 1 east.

(b) The Secretary of the Interior is authorized to enter into such agreements with the Secretary of Agriculture with respect to the relative responsibilities of the aforesaid Secretaries for the administration of, as well as accountings for and use of revenues arising from, lands made available to the Bureau of Reclamation of the Department of the Interior pursuant to subsection (a) as the Secretary of the Interior finds to be proper in carrying out the purpose of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 283), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would extend the boundaries of the Cache National Forest to include lands in and near the Pineview Reservoir site, Weber Basin project, and provide for the administration of such lands as described in the attached letter of the Secretary of Agriculture requesting this legislation. The bill does not increase Federal ownership, but provides for better management of the lands which have been or will be acquired in connection with the reclamation project.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 16, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate.

DEAR MR. PRESIDENT: Transmitted herewith, for consideration of the Congress, is a draft bill, to add certain lands to the Cache National Forest, Utah.

This Department recommends enactment of the draft bill.

The draft bill would: (1) extend the exterior boundaries of the Cache National Forest in Utah to include about 1,700 additional acres in and near the Pineview Reservoir site, Weber Basin project; (2) give national forest status to lands within this extension now owned (about 750 acres) or later acquired by the United States in connection with the Weber Basin project, with the proviso that none of such lands would be sold, exchanged, or otherwise disposed of by the Secretary of Agriculture without the approval of the Secretary of the Interior and any revenue from disposal so authorized would be credited pursuant to reclamation law; (3) direct the Secretary of Agriculture to make available to the Department of the Interior such lands as many be needed for the Weber Basin and Ogden River projects; and (4) authorize the Secretaries of the two Departments to enter into agreements with respect to the administration of, and accounting for and use of revenues from lands made available to the Department of the Interior.

The Pineview Reservoir is created by a dam in the Ogden River in sec. 16, T. 6 N., R. 1 E. in Utah. The area immediately surrounding the original reservoir has been within the Cache National Forest for more than 20 years. Recently the storage capacity of the reservoir has been increased and additional lands have been acquired by the Bureau of Reclamation.

The addition of these lands to the Cache National Forest would facilitate their management. They are very similar to and offer the same uses and resources as do the adjacent lands now being administered by the Forest Service. Recreation development programs, wildlife habitat management, and fire control all can be more simply and economically administered by a single agency. National forest personnel are located in the immediate area and can do this effectively. It would put under the jurisdiction of one agency the Federal lands which are similar in character and serve common purposes and which require similar management. Giving national forest status to the lands which have been acquired by the Bureau of Reclamation in connection with the expansion of the storage capacity of the reservoir would permit uniform development and protection of the recreation and other resources of the area and would facilitate effective and economical administration of these lands under the principles of multiple use and sustained yield as directed in the act of June 12, 1960. At the same time the needs for reclamation purposes would be fully met.

The bill would not increase Federal ownership. By extension of the Cache National Forest boundaries the bill would give national forest status to lands which have been acquired or will hereafter be acquired in connection with the reclamation project.

A similar letter is being sent to the Speaker of the House.

The Bureau of the Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

ORVILLE C. FREEMAN,
Secretary.

PENALTIES FOR MISUSE OF FEED MADE AVAILABLE FOR RELIEVING DISTRESS OR PRESERVATION AND MAINTENANCE OF FOUNDATION HERDS

The bill (S. 400) to establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407 of the Agricitural Act of 1949, as amended, is hereby amended by adding after the sitxh sentence the following: "Any person who disposes of any feed, which has been made available to him for use in relieving distress or for preservation and maintenance of foundation herds, other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $1,000 or imprisonment for not more than one year."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 284), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill provides the same penalty for misuse of feed made available under section 407 of the Agricultural Act of 1949 to relieve distress or preserve foundation herds as is now provided for misuse of feed made available under Public Law 86-299. That is a civil penalty equal to the market value of the feed and a criminal penalty of not to exceed $1,000 or imprisonment for not more than 1 year. The offense would be a misdemeanor.

This bill was requested by the Department of Agriculture to provide uniform administration of these similar programs. No objections or requests for hearings were received by the committee.

The bill is further explained in the attached letter from the Department.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., January 4, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith for the consideration of the Congress a draft bill entitled "A bill to establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds." If enacted this bill would further amend section 407 of the Agricultural Act of 1949, as amended.

Under Public Law 86-299, there is imposed a statutory penalty if CCC-owned grain sold to a farmer in a designated emergency area at the current support price is disposed of by the farmer other than by feeding to his livestock. There is no such penalty if a farmer misuses CCC-owned grain made available to him at a lower price under section 407 for the purpose of relieving distress or for the preservation and maintenance of his foundation herd. Instead, in such situation CCC's measure of recovery is the customary measure of damages.

The livestock feed program of this Department uses the authority of both statutes, the authority of section 407 to provide feed for foundation herds and the authority of Public Law 86-299 to provide feed for the farmer's other livestock. If there is a misuse of grain it may involve purchases by the recipient under both statutes. We believe it advisable that CCC have a uniform basis of recovery for such violations. The proposed legislation would provide a statutory penalty for feed sold and misused under the applicable provisions of section 407 which is similar to that now contained in Public Law 86-299. An identical recommendation is being transmitted to the Speaker of the House of Representatives.

No increase in administrative expense or appropriation will be necessitated if the proposed amendment is enacted. The Bureau of the Budget advises that, from the standpoint of the President's program, there is no objection to the submission of this proposed legislation and explanatory letter to the Congress for its consideration.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

EXTENSION FOR 2 YEARS OF THE DEFINITION OF "PEANUTS" UNDER AGRICULTURAL ADJUSTMENT ACT OF 1938

The bill (S. 582) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended, was announced as next in order.

Mr. KEATING. Mr. President, I ask that the bill be passed over for the time being.

The PRESIDING OFFICER. The bill will be passed over.

LEASE AND TRANSFER OF TOBACCO ACREAGE ALLOTMENTS

The Senate proceeded to consider the bill (S. 581) to amend the Agricultural Adjustment Act of 1938 to extend for 2 years the present provisions permitting the lease and transfer of tobacco acreage allotments, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That (1) subsection (a) of section 316 of the Agricultural Adjustment Act of 1938, as amended, is further amended—

(1) by striking out "and 1963" and inserting in lieu thereof ", 1963, 1964, and 1965";

(2) by striking out ", and for the 1963 crop year, other than" and inserting in lieu thereof "or"; and

(3) by striking out the last sentence and inserting in lieu thereof the following: "In the case of Maryland (type 32) tobacco, no farm shall be eligible for lease of 1962 or 1963 allotment from the farm unless at least 75 per centum of the allotment for the farm was actually planted during each of the years 1960 and 1961, nor shall a farm be eligible for lease of 1964 or 1965 Maryland tobacco allotment from the farm unless at least 75

The property is now under 50-year lease by the National Capital park system. It has long been recognized and desired as a worthy part of the system, but was not available until negotiation of the lease in 1960. The lease includes a provision that it may be purchased at any time during the life of the lease for "fair market value."

Development of the property while on lease cannot, of course, equal development which would be justified if owned by the Government.

Construction of a sewer to serve the Dulles Airport and surrounding area, and consequent spread of suburban developments, appear certain to increase the value of the Great Falls property in the commercial market in the near future.

It is estimated that the land can be acquired at this time by the National Capital park system by exchange of the Blue Ponds property in Maryland and payment of not to exceed $975,000 to the company.

Following subcommittee hearings on S. 1039, full committee action was postponed on the bill to permit new members to inspect the Great Falls property.

The committee is strongly convinced that the tract should be acquired to preserve the great and varied values it contains, and that large savings will result from prompt acquisition. The bill was reported out favorably by unanimous action.

AMENDMENT

In keeping with committee policy, a limit on appropriations authorized has been added to the bill. The maximum authorization is fixed in this instance at $1 million to cover the full estimated cost of completing the exchange of the Blue Ponds and Great Falls properties.

Appropriations required may be reduced by contributions from individuals and groups interested, but this is not certain and the committee therefore has authorized appropriation of the full amount needed, if it is necessary.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

EXTENSION FOR 2 YEARS OF DEFINITION OF "PEANUTS" UNDER AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. MANSFIELD. Mr. President, after consultation with the distinguished Senator from New York [Mr. KEATING], and a very thorough and detailed explanation of the bill, I am now empowered to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 265, S. 582.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 582) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Montana?

There being no objection, the bill (S. 582) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 285), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill extends for 2 years the present exemption of peanuts for boiling from marketing quotas. The present exemption, which has been in effect since 1957, would otherwise expire with the 1963 crop.

The report from the Department of Agriculture favoring this legislation is attached.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 5, 1963.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of January 31, 1963, for a report on S. 582 to extend for 2 years the exemption of boiled peanuts in the definition of "peanuts" which is in effect through the 1963 crop year under the Agricultural Adjustment Act of 1938, as amended.

The bill provides for a 2-year extension of the exemption of boiled peanuts in the definition of "peanuts" as contained in section 359(c) of the Agricultural Adjustment Act of 1938, as amended. This definition excludes from the provisions of acreage allotment and marketing quotas any peanuts which are marketed before drying or removal of moisture, either by natural or artificial means, for consumption exclusively as boiled peanuts. Such peanuts do not enter the market in competition with salted peanuts or other peanut products. Experience under the exemption during the past 6 years has shown that it does not adversely affect the supply adjustment and price-support programs for peanuts.

On January 4, 1963, this Department addressed a letter to the Honorable LYNDON B. JOHNSON, Vice President of the United States, in which we recommended that the present definition of "peanuts" be extended without a time limitation. A copy of this letter and proposed draft bill mentioned therein is enclosed.

The Department would prefer permanent extension of the present authority, but would have no objection to extending it for a 2-year period if Congress so determines.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

The PRESIDING OFFICER. Is there further morning business?

Mr. BARTLETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS—COMMONSENSE

Mr. TALMADGE. Mr. President, the editor of the Columbus, Ga., Enquirer has written a thoughtful column concerning the administration's package of civil rights legislation now pending in Congress. He points out that the problem here involved is one with which the South and the Nation have worked steadily and earnestly to resolve, and that this commonsense atmosphere must be allowed to prevail over all the racial strife and coercion now sweeping the country.

I ask unanimous consent that Mr. Grimes' column be printed in the body of the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

IS THIS TRAGEDY NECESSARY?

(By Millard Grimes)

The South is about to catch the heaviest barrage it has ever suffered on the racial question. There is no sense in deluding ourselves. The Federal Government is rolling up the big guns and they are aimed at every facet of the problem.

A couple of the columnists who share this page, Joe Alsop and Walter Lippmann, called the turn earlier this week. Lippmann is plainly panicky. He wants the Government to ride down on the South—and the North too, for that matter—and demand an immediate end to all racial barriers.

Alsop sees the fight taking on aspects of the struggle between Africans and the old colonial powers. He believes the protests that have dotted the South are going to spread North as Negroes become more ambitious in their demands.

A leader of the National Urban League may have set the pattern in a speech made last week in Cleveland. "Negroes need more than equal rights," he argued. "They deserve extra rights as compensation for the 300 years of lost opportunity." He said industries should hire Negroes because they are Negroes and that preferential educational opportunities should be provided.

A factor which has undoubtedly shaken the Kennedy administration is the surprising protest from certain Negro circles that "Kennedy is not doing enough."

Attorney General Bobby Kennedy came away shaken from a meeting recently with Negro leaders in Harlem. He was disturbed at the depth of their demands and they had proven impatient with his restraint, such as it is.

So, the harvest approaches, not just for the South, but also for those northern cities where Negroes have now settled in large number. The siege guns, of course, will be aimed at Dixie, but the most compelling drama may be enacted on metropolitan sidewalks.

But is it all necessary? Must the Nation play out this incredible tragedy? Is it too late to lower the emotional thermostat and restore perspective and commonsense to a problem mankind has been wrestling with since the dawn of time?

Can't some national leader summon the guts to stand up and say that the racial problem is not the most important matter facing the Nation today? Can't he say that despite real and imagined wrongs committed, the Negro has fared well by his relocation on this continent and that those "300 years of lost opportunity" the Urban League man mentioned would have been spent in the brushland of middle Africa if the Negro's ancestors had not been slaves?

This is not a perfect world—not for anyone, white, black, yellow or otherwise. But it's the only world we've got, and the United States is still the Nation that provides the best opportunity for the greatest number of its citizens, and I'm tired of hearing a lot of people who know better intimate that it doesn't.

Now, we're just going to have to make the best of this problem—white and Negro alike—but we're not going to use dictatorial methods to force open doors that private citizens prefer be closed, and in so doing corrupt the democracy to the point where it won't be worth saving.

Some national leader should say all that. A lot of them probably feel that way but are afraid.

We're trying to act properly in the South, I believe. The handicaps have been enormous. Both races have lived with poverty and privation. Their problem is economic far more than racial. It is social far more than political. It is sincere far more than vicious.

If the clock has run out on moderation, the entire Nation is in serious trouble. It is all like a bad dream that happened once before, about 103 years ago. Moderation lost out and the cost was terrible.

It must not lose out again.

SPREAD OF NUCLEAR WEAPONS DEVELOPMENT

Mr. PROXMIRE. Mr. President, in his great speech at Bonn yesterday, the President of the United States cautioned on the necessity of nations using all of their influence to persuade countries which do not now have nuclear weapons not to develop such weapons. I think the argument by President Kennedy is a very, very important one. I think it should be discussed and considered very widely.

If we are to have a test ban agreement between Russia and the United States, many persons raise the question as to what is to prevent other countries from developing nuclear weapons and a proliferation of such weapons? This argument is answered with great clarity by Howard Simons in an article in the Washington Post this morning. I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A-ARMS PROLIFERATION—HOW TEST BAN MIGHT PREVENT SPREAD

(By Howard Simons)

Once again President Kennedy has declared that without a treaty to halt nuclear testing, atomic arms will spread inevitably to other nations and that this would be a "disaster."

But in Bonn, as so often before, Mr. Kennedy grappled ineffectively with the central question: How can a test ban involving the United States, the United Kingdom and the Soviet Union slow down and perhaps even halt the spread of nuclear weapons?

Though any such treaty would be open to signature by all nations, both France and Communist China have said they would not sign. France already possesses atomic bombs and China is working feverishly to develop them.

The persistent atomic aspirations of these two dissidents from the major power centers are largely responsible apparently, for the President's reluctance to explain fully how a test ban might slow the spread of nuclear weapons.

This is so because any such discussion must touch upon internal affairs in France and China's relationship with the Soviet Union. And, presumably, Mr. Kennedy holds the view that the less said out loud about those subjects the better, especially in the absence of a treaty.

Nonetheless, the President has heard all the arguments on how a ban might affect the spread of atomic arms and the arguments have been persuasive. In effect, the arguments amount to this:

Just as a parent cannot effectively command a teen-age child to stop smoking as long as the parent continues to smoke, so, too, the major nuclear powers cannot insist that other nations refrain from building and testing nuclear weapons as long as the major powers themselves continue to test.

Once the major nuclear powers—a distinction not yet accorded to France—agree to halt nuclear testing, it would then become possible for those powers to bring economic, technical, diplomatic and psychological pressures to bear on other nations, including perhaps even France and Red China.

This is obviously not possible now. But, in the view of administration experts, a test ban agreement could make it possible and essentially for two reasons.

The first reason is that a test ban would lessen tension between the United States and the Soviet Union. A lessening of tension might reduce the present incentive of many nations, such as Egypt and Israel, to acquire atomic arms.

By the same token, there is ample evidence that a test ban would be welcomed by many other nations, such as Italy, Sweden and Switzerland, as a bona fide excuse not to develop their own atomic arms.

The second reason why a test ban agreement might deter the spread of nuclear arms is that it would open a door to concerted action by the United States and the Soviet Union to halt such a spread.

Thus, for example, in France's case a test ban coupled with joint United States and U.S.S.R. actions might lead a post-De Gaulle government to merge its independent nuclear force with a NATO nuclear force.

There are also technical reasons why a test ban could slow the spread of nuclear weapons development. These have to do largely with the fact that continued weapons development by the major powers will bring the world closer to cheap and plentiful weapons. For the present, at least, atomic arms are immensely expensive to come by.

Ironically, though it is in the interests of both the Soviet Union and the United States to keep atomic arms from other nations, the longer both nations continue to develop such arms the easier it becomes for those other nations to acquire them.

Whether persuasion by the major powers will be able to slow the spread of atomic weapons, if and when a test ban are agreed to, is not known. But as Mr. Kennedy noted in Bonn yesterday: "Quite obviously, they may not accept this persuasion, and then, as I say, they will get the false security which goes with nuclear diffusion."

IN DEFENSE OF CONGRESS

Mrs. SMITH. Mr. President, on May 25, 1963, I spoke in defense of the Congress, particularly in answer to a telecast that I felt was extremely onesided and unfair.

I made my statement on the Deena Clark National Broadcasting Co. "A Moment With" program at 6 o'clock the afternoon of May 25, 1963. That program was shown a week later on June 2, 1963, on WNBC–TV in New York.

Subsequently I made the same statements on radio programs on WABI, Bangor, Maine, and WGAN, Portland, Maine.

I believe that it is time for more to speak up in defense of Congress and against the ever increasing pattern of those forces which would discredit and undermine public confidence in Congress until it is driven to complete subjugation and subservience to the President to automatically rubberstamp each and every request that he makes.

I ask unanimous consent that my statement be placed in the body of the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I want to express my deep appreciation to Deena Clark, WRC–TV and the National Broadcasting Co. for inviting me to appear on this excellent public service program and speak from the bottom of my heart and the top of my head on some subject on which I feel very strongly—on something I mentally would like to get off my chest.

There are many things on which I have such strong feelings but on several of them, others who are far more articulate than I, have spoken eloquently—far more eloquently than I could.

However, there has been a thunderous silence on one subject on which many should have spoken by now. Thus far, the discussion on this subject has been completely one-sided. And apparently the heavy targets of this one-sided subject—Members of Congress—have been reluctant to defend themselves and to answer their critics.

We all know of the greatly publicized abuses by some Members of Congress with respect to junketing and misuse of Government funds provided by the taxpayers and shocking abuses of the privileges and powers of their positions. I agree wholeheartedly with much of that criticism. I agree that some action should be taken to curb and prevent these abuses and misuses. I agree that they should be exposed to the public light.

I not only believe this but I have voted time and again for measures to do it—measures such as those proposed by Senator JOHN WILLIAMS, of Delaware, the foremost Senate watchdog against abuses and misuses, whether they be in Congress or out.

For example, I have voted for the Williams proposals on restricting the use of counterpart funds by Congressmen on junkets and for requiring full and public accounting of expenditures.

But I saw a television program recently which went far too far—and beyond the bounds of fairness. It is a program that is billed as an objective documentary type of program. But if I ever saw slanting and stacking the cards, this program really did it.

It was not objective. Instead it was a very heavyhanded editorial program. And it was reckless in its heavyhanded editorializm. For example, the commentator—more properly he should be called editor—featured the abuses and misuses of one Member of Congress and then, in shotgun manner, equated most all other Members of Congress with this one Member that he highlighted in his scathing editorialized program. He went even so far as to make the sweeping indictment of Members of the House and Senate as to charge that 90 percent of all Members of Congress were guilty of some of the abuses and misuses as that one particular Member of Congress he singled out for dissection and starring role.

June 1, 1963, is the 13th anniversary of the Declaration of Conscience address that I made in the Senate on June 1, 1950, when I denounced the tactics of a fellow Republican

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued July 18, 1963
For actions of July 17, 1963
88th-1st; No. 108

CONTENTS

HIGHLIGHTS: House agreed to conference report on Interior appropriation bill. House committee agreed to accept price support amendment to cotton bill, referred potato marketing quota bill to subcommittee, and voted to report rice allotment transfer bill. Senate committee voted to report bills to extend Mexican farm labor program, extend time for filing tobacco allotment tranfers, and permit transfer of rice allotment history. Senate committee agreed to take action on dairy legislation Aug. 7. House passed bill to continue exemption of peanuts for boiling from allotments. Rep. Roudebush urged enactment of new wheat-feed grains legislation.

HOUSE

1. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1964. By a vote of 331 to 50, agreed to the conference report on this bill, H. R. 5279, and acted on amendments in disagreement (pp. 12076-82). By a vote of 144 to 245, rejected a motion by Rep. Hall to recommit the bill to conference with instructions to insist on disagreement with a Senate amendment relating to the National Air Museum Building (pp. 12079-80). See Digest 105 for a summary of Forest Service items. This bill also includes items for the Bureau of Outdoor Recreation, saline water research, and Virgin Islands Corporation.

2. PEANUTS. Passed without amendment S. 582, to continue for two additional years (1964 and 1965) the exemption of peanuts used for boiling from allotments and quotas. A similar bill, H. R. 101, was tabled (pp. 12082-9). A point of order was sustained against an amendment by Rep. Findley which would have extended the exemption to all types of peanuts (pp. 12087-8). A point of order was sustained against an amendment by Rep. Dole which would have extended the exemption to any agricultural commodity which prior to being marketed as a

President.
foodstuff is boiled and dried (p. 12088). This bill will now be sent to the/

3. RICE. The Agriculture Committee voted to report (but did not actually report) H. J. Res. 192, to make valid any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the ASC county committee in good faith for any crop year 1956 to 1962. p. D537

4. POTATOES. The Agriculture Committee referred H. R. 3928, to provide for marketing quotas on Irish potatoes, to the Domestic Marketing Subcommittee for further consideration. p. D537

5. COTTON. The "Daily Digest" states that the Agriculture Committee discussed H. R. 6196, the cotton bill, now pending before the Rules Committee and agreed "to accept a floor amendment which would set the 1964 support on the balance of the crop at 30 cents (middling 1-inch), for 1965 at 29½ cents, and for 1966 at 29 cents." p. D537

6. WATERSHEDS. The Agriculture Committee approved the following watershed projects: Bear-Pierce-Cedar Creek, Nebr., Bellwood, Nebr., Buckhorn-Mesa, Ariz., Caney Creek, Okla., Istokpoga Marsh, Fla., Middle Fork of Hood River, Oreg., Mulberry Creek, Tenn., Nealahu, Hawaii, Tupelo Bayou, Ark., Upper Deckers Creek, W. Va., Upper Little Minnesota River, S. Dak., Upper Tampa Bay, Fla., Johns Creek, Va., and Jumper Creek, Fla. p. D537

7. INFORMATION. The Government Operations Committee voted to report (but did not actually report) with amendment H. R. 6237, to authorize grants for the collection, reproduction, and publication of documentary source material significant to the history of the U. S. p. D537

8. TERRITORIES. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 3198, to promote the economic and social development of the Trust Territory of the Pacific Islands. p. D537

9. VETERINARY MEDICINE. Passed without amendment H. J. Res. 513, to authorize the President to proclaim the week beginning July 28, 1963, as Veterinary Medicine Week. p. 12082

10. WHEAT; FEED GRAINS. Rep. Roudebush urged the enactment of new wheat-feed grains legislation this session of Congress and outlined certain provisions he proposed should be included in such legislation. pp. 12090-1

11. FARM LABOR. Reps. Martin (Calif.), Talcott, and Gonzalez debated the merits of extending the Mexican farm labor program. pp. 12094-5, 12095-6, 12100

12. COMMITTEE STAFFS. Received from the various committees reports on committee staffs titles, and salaries for the period Jan. 1 to June 30, 1963. pp. 12102-10

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: On page 7, line 7, insert the following: *": Provided further,* That not to exceed $370,000 shall be for assistance to the Grants, New Mexico, Municipal School District Numbered 3, Valencia County, New Mexico, for construction of an addition to the public high school serving the Pueblos of Laguna and Acoma".

Mr. KIRWAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIRWAN moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: On page 9, line 20, insert the following: ", except that tribal funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims shall not be further appropriated until a report of the purposes for which the funds are to be used has been submitted to the Senate and House Committees on Interior and Insular Affairs and those purposes either have been approved by resolution of each of said committees or have not been disapproved by resolution of either of said committees within sixty calendar days from the date the report is sumbitted, not counting days on which either House is not in session because of an adjournment of more than three calendar days to a day certain:".

Mr. KIRWAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIRWAN moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein.

Mr. KIRWAN. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. FOGARTY].

(Mr. FOGARTY asked and was given permission to revise and extend his remarks.)

Mr. FOGARTY. Mr. Speaker and Members of the House, I just want to take a couple of minutes in which to say that I think this is one of the best bills that has been considered by this Congress, and to say that for the past 20 years I have been listening to MIKE KIRWAN talk about this bill as being an all-American bill, that this bill is for America and for Americans.

Mr. Speaker, I do not know of anyone in the Congress who has done more to develop the natural resources of our country, to open up the National Parks to all Americans, than has MIKE KIRWAN.

In political parlance we have back home, "Mr. Democrat" or "Mr. Republican." In the Halls of Congress, we have the same thing. On yesterday we had Mr. CARL VINSON as one of the great men in this Congress who has done so much for this country. MIKE KIRWAN knows as much about the Department of the Interior as CARL VINSON does about the U.S.Navy. I would like to suggest today, because of the tremendous time and effort that MIKE KIRWAN has put into the operations of the Department of the Interior over the years, all for Americans and all for America, that he be our "Mr. American" in the House of Representatives.

Also, Mr. Speaker, I think all of us remember over the years Mr. KIRWAN's charge to the House that we were neglecting the original American in this country, the Indian. I do not think anyone in this House or in the other body has done so much for the real Americans, the Indian population, as has MIKE KIRWAN. Just in the last 5 years he has provided over a billion dollars in the Interior bill to provide urgently needed educational, welfare, and health services to the Indians, including new schools, hospitals, and roads. He has taken especial interest in promoting their economic development so that they may become self-sufficient.

I do not think any of us will forget the fight he made to stop mineral stockpiling and subsidies 4 or 5 years ago. Almost alone he and his committee took on everyone and everything and cut off appropriations for the stockpiling program under Public Law 733, saving $70 million and defeated the new minerals subsidy bill which would have authorized new appropriations up to $650 million.

During the 18 years that MIKE KIRWAN has been chairman of the Interior Subcommittee over $6 billion has been appropriated for the activities of the Department of the Interior, exclusive of the Bureau of Reclamation and the power agencies. Just think where our Nation would be today but for the foresightedness of MIKE KIRWAN and others to provide for the development and preservation of our great natural resources including our forests, fish and wildlife, minerals, water, and the vast public lands.

A typical example that comes to mind is the action he took to improve conditions in our national parks. It was during one of his extensive field trips in 1955 to review activities in the field that he realized the deplorable conditions existing in the national parks. Construction of facilities had not kept pace with the great increase in the number of visitors. When he discovered that the budget request for construction for fiscal year 1956 was only for $5,200,000, he took immediate steps to have the construction appropriation increased to $15 million to provide immediately for expanded facilities, including picnic areas, comfort stations, visitors centers, etc. This was a whole year in advance of the time that the administration planned to begin its Mission 66 program.

We are also well aware of his ceaseless efforts over the years to provide adequate appropriations for reclamation, flood control, and navigation in the public works appropriation bill.

So, Mr. Speaker, I would like to refer to MIKE KIRWAN today as "Mr. All American," because certainly he deserves that connotation.

(Mr. FOGARTY asked and was given permission to revise and extend his remarks.)

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the RECORD on our distinguished colleague, Mr. KIRWAN.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. KIRWAN. Mr. Speaker, I yield such time as he may desire to the gentleman from Missouri [Mr. CANNON].

HON. MICHAEL J. KIRWAN

Mr. CANNON. Mr. Speaker, I must join my friend from Rhode Island [Mr. FOGARTY] in the eulogy of the distinguished chairman of the subcommittee, the gentleman from Ohio [Mr. KIRWAN].

It has been my pleasure to have served with Mr. KIRWAN for many years. Whenever he comes to the floor he always has my undivided attention—as he also has the attention of all Members of the House. It has been my privilege to observe—when you come to analyze his position—he is invariably for the average man—the man of the street and the field and the shop—the man who has daily financial problems, the family that sometimes is uncertain whether there will be breakfast on the table in the morning, or whether there will be sufficient money to buy shoes for the children. On one hand he is the idealist, the philanthropist, the humanitarian. And on the other hand he is the practical politician who knows how to implement his love of mankind in the drafting and management of his bill.

So, Mr. Speaker, I must concur unqualifiedly in the gracious tribute of the gentleman from Rhode Island [Mr. FOGARTY] to the chairman of the committee in charge of the bill, the distinguished gentleman from Ohio [Mr. KIRWAN]. He is a benefactor and a credit to his State and to the House.

Mr. KIRWAN. Mr. Speaker, I am grateful for the very kind remarks of the gentleman from Rhode Island [Mr. FOGARTY] and the gentleman from Missouri, the chairman of the Committee on Appropriations [Mr. CANNON], and I want to thank them both. I am reminded of something Speaker Clark, of Missouri, in his book on his political career, quoted from a speech of a prominent man of an earlier day:

The sweetest incense ever to greet the nostrils of a public man is the applause of the people.

THE HONORABLE CARL VINSON

Mr. CANNON. Mr. Speaker, it was my misfortune to be in conference on the other side of the Capitol yesterday and so missed the opportunity to join in the recognition paid our beloved and distinguished colleague from Georgia, CARL VINSON, and his remarkable record in becoming the all-time dean of the American Congress.

Mr. VINSON has served longer than any other man in the 88 Congresses, longer than all the thousands of able and patriotic men who have been Members of the Congress, both in the House and the Senate. It is hardly to be expected that another such record will be established in the next 200 years.

It is not only remarkable for its length of tenure but also because it has been a continuous service.

The man who for many years held this record was Speaker Cannon of Illinois. Speaker Cannon for many years enjoyed the distinction of being the oldest Member of the House and the man with the longest continuous service. But, as he himself expressed it on one occasion, there were 2 years in which he took a vacation "at the suggestion of his constituency."

The gentleman from Georgia has not only been here longer but he has served consecutively and continuously for what amounts—and what will eventually constitute a full half-century—with the possible exception of the service of Gladstone in the British House of Commons—the longest continuous service in the history of world parliaments.

But the supreme distinction of the tenure of CARL VINSON in the House and the Congress lies not in length of service but in the quality of that service.

After all, the principal consideration is not how long he has served here but how well he has served here.

"Better 50 years of Europe than a cycle of Cathay." Therein lies the greatness of the man and the measure of his contribution to national welfare in the most critical years of the Republic.

Few Presidents of the United States have made in their 4 or 8 years of limited service as significant a contribution to the safety and security of the country and its international prestige as CARL VINSON in his half century on the quarterdeck of the ship of state.

I recall distinctly, and sometimes with no little feeling of trepidation, the situation which obtained at the close of the Second World War. We had thoroughly sold the country on the idea that this was a war to end all wars, and when victory was achieved, there was a stampede. And this Congress was largely responsible for it. We cannot be taken to task too harshly under the circumstances. Every wife, mother and sister was importuning by telephone, telegram, and letter demanding that we "send their boy back home." American womanhood had gone through a war period of agonized anxiety and when the news of the armistice came they expected to see him come marching back with banners waving early the next morning. Tear-stained letters cried:

> The war is over. The war to end all wars has been won. We want our man back home. What's the use of keeping him over there? There will never be another war as long as time stands. We want him back now.

Under that tremendous pressure from every section of every congressional district in the Nation, Congress, almost overnight, severed all redtape, abandoned all precautions, and brought our vast armies back on record time. We practically abandoned national defense.

Over there, men dropped their guns where they stood and ran for the ship. We left billions of dollars worth of invaluable war materiel and weapons. The latest engines of war were left to rust in the jungles while other nations carefully conserved all implements and every lesson to be salvaged from the greatest of all world conflicts.

Our entire system of defense was disorganized, disintegrated, and dissipated. When we belatedly woke to the menace massing against us on the world frontier—shocked and bewildered to find the Nation in mortal danger—we lacked everything esential to survival. At this crisis CARL VINSON rose to the occasion. He had to start from a new base of operation. It was necessary to work from the ground up and in the tragically short time available build what amounted to a new system of defense.

Many wars have been won or lost through the invention or adaptation of some particularly effective weapon. Herein lay the burden of his task. Today every weapon of the last war is as obsolete and outmoded as the French .75's.

It is the duty of Congress—and therefore of the Committee on Armed Services to provide these weapons. We were all but hopelessly handicapped by incredible delay and inertia. In the renaissance of the last few crowded years no one or no one agency has had a larger part or a more critical responsibility than CARL VINSON and the Committee on Armed Services. Against heavy handicaps they have rehabilitated our defense.

This notable occasion in which an honored public servant of the people has established a record of 50 years devoted capacity and loyalty affords us an opportunity to lay our flowers and encomiums where they are most appropriate, and most deserved.

Modern warfare with its terrible forces of destruction and devastation is not merely a matter of victory or defeat. It is a question of survival. It threatens extinction—not only of the American Nation, but the extinction of Christian civilization throughout the world.

Mr. Speaker, it is our earnest hope that CARL VINSON may serve another 50 years and continue to render the Nation the same distinguished service he has rendered the last 50 years.

Mr. KIRWAN. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Ohio.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

(Mr. KIRWAN asked and was given permission to revise and extend his remarks and to include tables.)

VETERINARY MEDICINE WEEK

Mr. PURCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 513) authorizing the President to proclaim the week beginning July 28, 1963, as Veterinary Medicine Week.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week beginning July 28, 1963, as Veterinary Medicine Week, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities, in recognition of the contributions which the veterinarians of this Nation have made through the eradication of diseases, the maintenance of high standards for food inspection, and research in various fields of veterinary medicine, and for services they have rendered to all lovers of pets.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORRECTION OF ROLLCALL

Mr. BURKHALTER. Mr. Speaker, on the last rollcall I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PEANUTS FOR BOILING

Mr. ELLIOTT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 401 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 101) to extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ELLIOTT. Mr. Speaker, I yield myself such time as I may require, after which I shall yield 30 minutes to the gentleman from Kansas [Mr. AVERY].

[Mr. ELLIOTT addressed the House. His remarks will appear hereafter in the Appendix.]

Mr. AVERY. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I think my colleague from Alabama has pretty well described the purpose of the resolution. For the legislative history, however, I would like to call the attention of the House to an apparent mistake in the committee report. On page 1 of the committee report, under the paragraph headed "Pur-

pose" the next to the last sentence reads:

The present law will expire after the 1961 crop of peanuts. This bill will extend the definition through the 1962 and 1963 crops.

I am advised that this is a mistake and that it should read:

The present law will expire with the 1963 crop and this bill would extend it to the 1964 and 1965 crop.

This is academic, but I thought the record should be clear.

During the hearings on this bill there was no opposition, and I think it is quite understandable that there would be no opposition. If this commodity is not in surplus certainly it should not be under acreage allotments and marketing quotas.

I did note, however, that two of the minority members of the subcommittee signed minority views, and perhaps their position will be further enunciated in general debate.

The consideration of this bill today, Mr. Speaker, does bring into perspective several administration policies to which there is a great deal of opposition. Maybe this is not the proper forum for administration policies to be debated as we are the legislative branch of the Government and should assume our responsibility independent of administration influence. However, politics playing the role that it does in our system, it appears that our entire legislative role is regulated by administration positions and so therefore these same administration positions conveniently lend themselves to analysis and review in this legislative body.

What are the administration policies that are placed into perspective this afternoon? Certainly the one of greatest concern to me, and I think to people generally, is the lack of action by this House and the other body as well. This deadlock has come about by the administration's insistence on unacceptable legislative proposals. Presumably this statement would cause someone to arise and to observe that if the Rules Committee would only grant a rule on certain administration measures pending before that committee, Congress could proceed with the work. It is not my impression that there is any great urgency on the part of the leadership to bring certain administration bills to a vote in the Rules Committee and to the floor for debate. We have such well-known measures pending as the mass transit bill, the Youth Conservation Corps, and several other measures that generally have as their objective expanding the jurisdiction of the Federal Government and placing further burden on the Treasury.

For my part, I think it might be well for the administration to force a vote in the Rules Committee which it can do under the packed arrangement, and bring these bills to the floor for a decision. It is my conviction, Mr. Speaker, that the reluctance of this House to favorably consider these administration measures is a true reflection of the thinking of the citizens generally. Said another way, I do not believe that such proposals that will further project the influence of the Federal Government are in harmony with the mood of the electorate.

Therefore, I cannot understand why this House cannot dispose of these issues, complete its work and adjourn. Last week the biggest decision the House had to make was whether or not the Secretary of Commerce should prescribe the characteristics of seat belts, if such seat belts were to be sold in interstate commerce. And this week, it appears the most momentous decision will be whether or not approximately 1,500 farmers should be permitted to raise boiling peanuts without being subjected to acreage allotments and marketing quotas.

To those of us representing the Middle West, it is hard to understand why the Secretary of Agriculture schedules a trip to Russia just at the time farmers are making plans and preparations for their 1964 wheat crop. And again, someone may want to reply the farmers have by referendum already selected their wheat program for 1964 and therefore no further consideration of the problem is necessary. I submit, Mr. Speaker, that this is a rather irresponsible attitude. The choice that was given the farmer was really not a fair one and not one that came about by the usual legislative process.

May I remind the Members of the House that this same Kennedy program was rejected by the House on June 21, 1962. The House then passed a simple extension of the 1962 program that was generally acceptable to most of us in the Middle West. But when the bill went to the other body, they defied the will of the House and again inserted the so-called Freeman bushel-management program. In conference the House conferees acquiesced as was expected, but even more than that, provision was made for certain compensatory payments that were not a part of either the House or the Senate bills. Then when the conference report came before the House, it is my contention that it was again rejected. The record will show that it passed by a vote of 202 to 197, but this vote was only possible after three Members of the majority had been persuaded by the leadership to change their votes from "nay" to "yea"—Rutherford, Magnuson, and Carey. This clearly indicates that again this so-called bushel management two-price system did not represent the thinking of the House, and therefore it should have come as no surprise that this concept was rejected by referendum by the Nation's wheat farmers.

Although it is not possible for me to determine what, if any, action the majority intends to take in regard to wheat legislation this year, there was a story in the Wall Street Journal this morning by a reliable reporter that certain conclusions were developing as to what should be provided for the 1965 crop, but the inference is a clear one that no action is anticipated for the crop next year. My correspondence and conversations do not reflect alarm on the part of the Kansas wheat farmers. My personal conversations have convinced me, however, that the rejection of the Freeman plan was not so much a rejection of the program itself as it was a rejection of the concept of Government management of privately owned farms.

It seems to me that there is an area of agreement that has commenced to evolve. This agreement appears to be discernible to some extent among the farmer organizations, between farmers themselves, and the story just referred to would indicate that even within the Department of Agriculture there has been a recognition of these areas of agreement. The Department, the story indicates, has finally concluded that a voluntary program will accomplish virtually as much control as a mandatory program and the cost could even be less. This is not to imply that there would be unlimited production, but it does suggest that compliance can be attained by incentives, and the result of the two different approaches would be comparable. I hope this story is well founded, as I think it represents a lot of fresh and realistic thinking in the Department of Agriculture.

I would also like to observe, Mr. Speaker, that this concept is very nearly like the one that was employed by approximately 20 Members from the Middle West in developing legislation for a wheat program, not for 1965 but for 1964. Would it be too much to ask, Mr. Speaker, that the Secretary of Agriculture return home and translate this new philosophy into legislation and submit it to the Congress? If our legislative schedule for the next few weeks is to be dominated by bills of comparable significance to the one we have today, the seat belt bill from last week, and the schedule that I anticipate for next week, certainly it would seem that any responsible leadership would want to utilize such time and effort as would be available to developing acceptable wheat legislation for 1964.

Although my view is obviously parochial because of the nature of the economy in my State of Kansas, this same dilemma apparently faces not only the cotton farmers but all of the industrial complexes with that commodity. I would hope, Mr. Speaker, that you would employ your influence and prestige not only to expedite the work of this Congress but to improve the record of this Congress by favorably considering legislation needed for the Nation's agriculture.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Ohio.

Mr. DEVINE. The gentleman from Kansas [Mr. AVERY] has very clearly pointed out the legislative schedule, or the lack thereof, pointing out that last week our major legislation had to do with setting standards for seat belts on Federal automobiles and that today the major legislation, in fact, the first legislation before the House since the Easter recess relates to boiling peanuts, and since that is an important matter facing

the Congress and the Nation today, it seems to me that all Members should be present.

CALL OF THE HOUSE

Mr. DEVINE. I therefore, Mr. Speaker, make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 98]

Abernethy	Hébert	Morse
Barrett	Hechler	Norblad
Bonner	Hemphill	O'Brien, Ill.
Buckley	Hoffman	Philbin
Cameron	Holifield	Powell
Clawson, Del	Kee	Roosevelt
Davis, Tenn.	Kilburn	Rostenkowski
Diggs	King, Calif.	Scott
Donohue	Knox	Shelley
Edmondson	Landrum	Sheppard
Evins	Lesinski	Smith, Calif.
Fisher	Long, La.	Springer
Foreman	Mailliard	Steed
Forrester	Martin, Mass.	Stephens
Giaimo	Meader	Teague, Calif.
Grabowski	Miller, N.Y.	Thompson, N.J.
Hagan, Ga.	Monagan	Trimble
Harsha	Morrison	Wickersham

The SPEAKER. On this rollcall 381 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CORRECTION OF ROLLCALL

Mr. BASS. Mr. Speaker, on the last rollcall, No. 97, I am recorded as not voting. I was present and voted "aye." I ask unanimous consent that the rollcall be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PEANUTS FOR BOILING

Mr. ELLIOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. JOELSON].

(Mr. JOELSON asked and was given permission to revise and extend his remarks.)

Mr. JOELSON. Mr. Speaker, I was surprised to hear the previous speaker, the gentleman from Kansas, complain of the insignificant nature of the bill under consideration because the gentleman is a member of the Rules Committee, which has consistently bottled up really important bills.

Mr. Speaker, it would be temptingly easy to be facetious about the pending bill concerning boiled peanuts. I, for one, shall not indulge in such ridicule because I am sure that the bill means much to the welfare of the districts of a few of my colleagues.

However, I do want to state that many of us in the House are eagerly awaiting the opportunity to vote on matters of more general interest and more urgent need.

We are fiddling in Congress while issues burn. I earnestly hope that we will soon get down to business, lest the symbol of the 88th Congress be one lonely, solitary boiled peanut.

Let us have done with peanut issues and try to tackle some giant ones.

Mr. ELLIOTT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. MATTHEWS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 101) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 101, with Mr. FLYNT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. MATTHEWS] will be recognized for 30 minutes and the gentleman from Oklahoma [Mr. BELCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MATTHEWS].

Mr. MATTHEWS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, let me say that it had not been my desire at all in the consideration of this legislation to have the attention of the House for such a long period of time. I am very grateful for the tremendous interest that so many wonderful ladies and gentlemen are expressing in this legislation.

Mr. Chairman, in 1957 this legislation was passed on the Consent Calendar. Two years later it was passed a second time on the Consent Calendar. After another 2 years, it was passed again on the Consent Calendar. This year this particular legislation was reported unanimously by a subcommittee headed by the distinguished gentleman from Missouri [Mr. JONES] and in the full committee, as I recall, only three votes were cast against it. The statement was made by one of our colleagues on the full committee that he did not think we should pass the bill on the Consent Calendar. I was delighted to follow the suggestion that he made and so, of course, we made no effort to pass the bill on the Consent Calendar.

Then, on May 6 we brought this bill up under suspension of the rules. May I say it seemed for some unforeseen reason that there might be a little opposition and when it seemed that some of our colleagues thought maybe we ought to get a rule, I very gladly agreed to vacate the order by which we were discussing this bill under suspension, and then we went to the Committee on Rules and obtained a rule. Here we are today to ask for a simple extension of 2 years of a bill which would permit farmers to plant peanuts for boiling purposes without coming under the provisions of acreage allotments.

Mr. Chairman, I do not want to belabor this issue. I should like to refresh the memory of those who are here this afternoon by saying the gentleman from Florida [Mr. CRAMER] and I were cointroducers of this legislation a number of years ago and in succeeding Congresses we passed this legislation on the Consent Calendar.

I would be delighted to answer any questions that any of you may have. We have at the present time only about 3,000 acres of these peanuts that are planted for boiling purposes. We find that there is no competition with other types of peanuts. There are 1,560,000 acres of peanuts that are planted under the acreage allotment provisions, but these 3,000 acres are planted by boys in school and by small farmers and are sold as a vegetable at football games and baseball games and so on.

They are sold green on the market, in the chainstores, and there are two or three small industrial plants that have been developed as a result of canning these peanuts to sell in the grocery stores.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I am delighted to yield to my friend, the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. The last time our distinguished friend had this bill on the floor of the House he had some free samples. Did the gentleman bring any free samples today?

Mr. MATTHEWS. Sir, if one of the pages will get my black briefcase, I have them here. The reason I did not offer these samples is because some of my friends said after tasting them that they did not like them.

I am going to ask one of the pages if they will, please, to distribute these peanuts. I certainly hope, Mr. Chairman, we can pass this legislation because I am about out of free sample peanuts.

I have here, Mr. Chairman, a can. They are already open this time. The last time you had to get a can opener.

Mr. GROSS. If my friend will yield further——

Mr. MATTHEWS. Yes, sir, but just 1 minute, if you will let me get these ready for distribution in the cloakroom.

Mr. GROSS. I would suggest that they be eaten over there.

Mr. MATTHEWS. Is it proper, sir, to suggest that the Members go in the cloakroom and sample them?

The CHAIRMAN. The gentleman from Florida will proceed.

Mr. MATTHEWS. Mr. Chairman, may I say to my colleagues if you will go in the cloakrooms we will be delighted to furnish you these samples.

Mr. Chairman, I shall be glad to answer any other questions. However, I want to yield to my colleague, the distinguished gentleman from Florida [Mr. FUQUA] who comes from the great Suwannee River section of our State, and who is very familiar with this succulent article about which I am talking.

Mr. FUQUA. I thank the gentleman, my colleague from Florida, for yielding.

Mr. Chairman, I want to say that I likewise introduced a companion bill to

this bill, H.R. 101, which was introduced by the gentleman from Florida [Mr. MATTHEWS]. But I certainly want to associate myself with the remarks of Mr. MATTHEWS. I come from an area of Florida where many of our small farmers are engaged in the peanut business. I know of no program in any other section of the country where they boil peanuts or where they have peanut boilers.

Mr. Chairman, if there is a need, and there certainly is, we want to help the little people in their efforts to try to grow a few acres of peanuts.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MATTHEWS] has expired.

Mr. MATTHEWS. Mr. Chairman, I yield myself 5 additional minutes.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Florida.

Mr. FUQUA. These people grow a few acres of peanuts. Sometimes it is less than a half acre or a quarter of an acre, or just a small patch in their gardens. This is a method by which they can supplement their income. I know many people who make their living from selling roasted and boiled peanuts.

Mr. Chairman, this is an example of people who are trying to help themselves and who are not on the relief rolls, as we have in other areas. These people are trying to help themselves.

Mr. Chairman, I earnestly ask the House to favorably act on this bill today.

Mr. MATTHEWS. I thank my colleague.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to my distinguished friend, the gentleman from California [Mr. HAGEN].

Mr. HAGEN of California. I will say to the distinguished gentleman from Florida [Mr. MATTHEWS] that I want to stipulate that these peanuts are not Yankee approved. In fact, the pigeons on Capitol Hill would not eat them. I threw some of them out to the pigeons and they would not eat them.

Mr. MATTHEWS. The only consolations I can get from the gentleman is to say that since there will be no competition with the wonderful vegetables which come from the State of California, I know the gentleman will support my bill.

Mr. Chairman, the taste of a boiled peanut is unique. If the peanut were air conditioned, it would taste like an artichoke. It tastes like a dehumidified artichoke.

Mr. Chairman, during the depression days many of us remember having eaten swamp cabbage. I do not know whether the Members of the Committee are familiar with these huge palm trees, but when you cut them down you take out the heart of the palm tree, that is the cabbage. If a boiled peanut were dehumidified, you would have that swamp cabbage taste, a crunchy, delightful taste.

Incidentally, Mr. Chairman, in my district you can get this delightful swamp cabbage. And, if you go there you can get them at the Sea Island Hotel in Cedar Key, Fla. If you spend some money there, tell them that Congressman BILLY MATTHEWS sent you.

Mr. Chairman, if my friends on the other side will agree, I am willing to go ahead and pass this bill unanimously.

Mr. DOLE. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Kansas.

Mr. DOLE. Is this a sort of supply management program?

Mr. MATTHEWS. I do not believe it would be any type of supply management program, I may say to the gentleman.

Mr. DOLE. What it is is an attempt to avoid the supply management program and the controls that other peanut farmers have?

Mr. MATTHEWS. You may say yes, but, of course, there are many, many crops that do not have supply management control. The gentleman and I are agreed that many of these crops do not need a supply management control. I do not think anybody has suggested this type of boiled peanut is anything but a kind of an agricultural commodity that does not need supply management.

Mr. DOLE. I want to point out it is a very serious question from this standpoint: We talk about supply management and many people have supply management control for their commodities and this is an effort to avoid it by this peanut bill.

Mr. MATTHEWS. Is the gentleman going to oppose this bill?

Mr. DOLE. I would try to make it applicable to all peanuts.

Mr. MATTHEWS. Does the gentleman think it is a good bill?

Mr. DOLE. I think it would probably be better if no peanuts were exempt.

Mr. MATTHEWS. I hope the gentleman will not put my people on the dole by opposing this bill.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the distinguished gentleman from Florida who is a cosponsor of this legislation, my friend, Mr. CRAMER.

Mr. CRAMER. It may be of interest to the House to learn what was the genesis of this bill. At the outset, back in 1957, a number of farmers in my then district, now represented by the distinguished gentleman, Mr. GIBBONS, of Hillsboro, Fla., came to me with a complaint about the fact they had penalties assessed against them. They had very small acreage at that time. It was 15.6 acres in these green peanuts to be used for boiled peanut purposes. We thought that was wrong. I am one who does not agree with the general program on peanuts and other Government-controlled programs. I was delighted to introduce the bill after discussions with the Department of Agriculture. As a matter of fact, the Assistant Secretary of Agriculture was in the area at that time. He discussed this with the farmers and he felt this penalty, and it was a penalty, was not justified but they had no choice but to impose the penalty. There were substantial differences involved. In view of the present law, the Department of Agriculture, myself, and others drafted the bill now before us back in 1957, which was enacted then and has been twice since that time. The purpose was to prevent these unfair penalties being assessed against small farmers growing peanuts to be boiled.

We have heard a lot about civil rights in this session of the Congress. If you want to do something for the Negro down South, you will let him continue to grow these peanuts for boiling purposes. They consume about 95 percent of these peanuts. It is part of their staple foodstuffs. The farmers cannot grow them without this provision in the law excluding boiled peanuts and green peanuts from allotment of acreage.

Mr. MATTHEWS. I thank the gentleman.

Mr. ABBITT. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Virginia.

Mr. ABBITT. Are we to understand this simply extends the present law 2 additional years?

Mr. MATTHEWS. The gentleman is absolutely correct.

Mr. ABBITT. It is my understanding this legislation is not going to be made permanent?

Mr. MATTHEWS. The gentleman is correct.

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. FINDLEY].

(Mr. FINDLEY asked and was given permission to revise and extend his remarks.)

Mr. FINDLEY. Mr. Chairman, H.R. 101 is about peanuts and in some ways, using the vernacular, it is peanuts. Involved are only 3,000 acres, only a tiny fraction of peanut land. The 3,000 acres also include, believe it or not, about 1,500 farmers. So, indeed, this involves presently few farmers. If it is regarded as a civil rights bill—a thought that had not occurred to me—then my effort to amend this bill would broaden the civil rights aspect of it to all peanut farmers—not just the 1,500 presently involved.

This bill is not a joke and it is not a circus we are involved in here. The bill involves a very serious principle, and we invite your attention to that principle.

Simply stated, it is this: Is it fair to force taxpayers to pick up the tab caused by special interest loopholes in Government-control programs? That is the issue in this bill.

We may properly consider the plight of the little peanut farmer, but I think we also ought to give some consideration to the plight of the poor, struggling little taxpayer.

CCC losses under the peanut program in the last 2 years have averaged over $25 million each year. That amount is not peanuts, even at the Federal level.

On May 31, 1963, which is the latest Department of Agriculture report, the taxpayers had $17,057,940 tied up in peanuts. It was tied up as follows: In inventory, in Commodity Credit storage stock, $15,530,207. Under CCC loan $1,527,733 additional, for a total of $17,057,940.

Those of you who are concerned about the cost of government should note the fact that the latest Department of Agriculture report predicted a "moderate surplus" in 1963.

So despite the fact that we are losing over $25 million a year on the peanut program, and despite the fact that we have now tied up over $17 million of our taxpayers' money in peanut stocks, taxpayers may reasonably expect to have to shell out still more dollars to make the Government stockpile of peanuts even higher.

If this bill is defeated, all peanuts for boiling, just like the peanuts processed for other purposes—and when they are planted there is no difference between peanuts for boiling and otherwise—all peanuts for boiling will have to come from Government controlled acres. This, of course, would reduce the total production of peanuts in this country and would make supply management—Government control—more effective.

Of course, therefore, it would tend to reduce the buildup of peanut stocks. Every peanut produced on special-exemption acres, such as that proposed in this bill, adds to the surplus buildup and to load on the poor struggling taxpayer. Supply management is inefficient and terribly costly under the most ideal circumstances. Every loophole created in supply management, like the loophole proposed here, makes it more inefficient and most costly.

Cotton is in trouble today basically because controls have not really meant controls. We have kicked loophole after loophole into the cotton control program. Congress never really has had the guts to enforce controls.

Why? Our farmers are not willing to accept a police state in agriculture. The only way controls really will work is to go to the police state. In the absence of a police state the farmers are outwitting the bureaucrats and will outmaneuver them every time.

The uproar that followed the proposed jail sentences for dairy farmers shows neither the farmers nor Congress will accept a police state. This bill actually illustrates the breakdown of supply management and the high-price-support theory.

It has a basic pragmatic weakness. We want controls, but we do not really want them. We set up a control program then start creating loopholes in it.

Every Member who represents taxpayers, and I doubt if there are any exceptions, should vote "No" on this bill to help the taxpayers, or aid me and my colleagues in my effort to amend this bill in order to extend the blessings of freedom and the opportunities of the marketplace to all peanut growers, not just the small circle who produce peanuts for boiling.

Let us either close the loopholes or pitch the whole expensive program.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. WAGGONNER. The gentleman has just said that we should close the loopholes that now exist in this legislation. The gentleman lives in a corn producing area of the country. I wonder if he would be just as willing to close the loopholes which exist in the area of sweet corn from being carried as corn under controls.

Mr. FINDLEY. Corn is not produced under mandatory controls. There is no parallel between the present Government program for corn and the mandatory acreage control program for peanuts. I see no parallel. And I might say to the gentleman that I am just as willing to extend the exemption from Government control to all farmers, all producers of all commodities.

Mr. WAGGONNER. I think what the gentleman fails to see is the fact that sweet corn is close to his heart, peanuts are close to somebody else's heart and he is not quite willing to give the same consideration to somebody else.

Mr. FINDLEY. Mr. Chairman, I think the gentleman's memory may be faulty, because he should recall that on many occasions on this floor I have consistently opposed Government control programs involving commodities in my own backyard as well as control programs that touch other parts of the country.

Mr. BATTIN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. BATTIN. Mr. Chairman, I was interested in the colloquy between the gentleman on the other side of the aisle and the gentleman from Illinois with reference to corn. Wheat happens to be very close to my heart. Yet I always find people from either the corn area or the peanut area or the cotton area seem to know more about wheat than the people who represent the wheat producing area. I do not follow the gentleman's line of argument when he says on the one hand that peanuts are close to him, wheat is close to me, and corn is close to the gentleman from Illinois. But yet we are telling one another what should be done with reference to each commodity. It does not make sense to me.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield to me for a moment, that is exactly the point that I was making.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman.

Mr. POAGE. I just wonder whether the gentleman from Montana was saying that the gentleman from Illinois does not know anything about peanuts and yet he is telling us all about peanuts.

Mr. BATTIN. I have seen that same thing happen on the floor before, I will say to the gentleman from Texas.

Mr. FINDLEY. Mr. Chairman, I will say to the gentleman from Texas that while I have no peanut producers in my district, to my knowledge, I do have a great many taxpayers who are deeply concerned over expensive programs like this. I have many producers who have consistently over the years opposed control programs for themselves. They have witnessed the problems that have come to the cotton producers, the tobacco producers and others in control areas and they do not want any part of it themselves. And they are also willing to have their Representative in Congress, I might add, do his best to extend the blessings of freedom to all farmers.

Mr. MATTHEWS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to say to my friend who has just given us a very splendid talk that he realizes, of course, that this particular legislation we are considering does not cost the taxpayers any money. This is a program that does not cost the taxpayers a dime. This legislation clearly says that we are going to permit small farmers to continue to plant a few acres of peanuts for boiling without coming under the provisions of acreage allotments. We pointed out very definitely that the boiled peanut is a different type of commodity. And let me emphasize again that it has the same relationship to other peanuts that sweet corn has to field corn. As a member of the Committee on Agriculture, please let me say to my colleagues that there is that very clear-cut difference. There is the great precedent that we do not count sweet corn for cooking and eating as being in the same category with field corn. This is exactly the same situation. We divide peanuts for boiling from other peanuts.

Mr. PILCHER. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Georgia [Mr. PILCHER], who probably knows more about peanuts than anybody else in the House.

[Mr. PILCHER addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. DOLE].

Mr. DOLE. Mr. Chairman, I certainly hate to take issue with my friend from Florida [Mr. MATTHEWS], but I believe this is a matter of principle. In this debate we may gain something, which is more than we have generally done in Congress this session. I think this is probably the turning point of the session. It has been a very hard year. We have had some very important legislation before us though I understand we have a few minor bills yet to consider. In line with the statement made by Gertrude Stein—who is not in my district—"A rose is a rose is a rose," it should follow that a peanut is a peanut is a peanut.

Nonetheless, we are asked today to extend a bill that says a peanut is not a peanut because it is a boiled peanut. These green or boiled peanuts are fed to hogs. The hogs consider them peanuts. We consider roasted peanuts as peanuts, and peanuts in peanut butter as peanuts, but by act of Congress we have declared a peanut not a peanut at all. This is a very fine distinction, in my opinion, and one that probably should be referred to some more philosophical committee than Congress, perhaps the group who delight in debating such unresolved questions as the classical one involving the number of angels who can dance on the point of a pin.

We have been in session now for over 6 months. In fact, we read, that is some of us newer Members, that we may be here until Christmas. I read just yesterday, it is not a question of when we adjourn, but is a question, if we adjourn, this year. So with 6½ months behind us, and having been described as a balk Congress, consistent with the slow mov-

ing 87th Congress, the legislative effort this year offers some hope to the taxpayer because of the old saying, "No legislation is good legislation."

It is a good thing that we set aside a day for heated debate on the boiled peanut because in just 6½ months we have already extended the draft; we have assured women equal pay for equal work; we have extended excise taxes. We passed a political feed grain program and now today we are trying to take up another very vital issue. I assume if this hot issue is disposed of, we can move on to such other minor programs as tax reduction and reform; wheat, cotton, and dairy legislation; civil rights; and a host of other important matters—not to mention later on, perhaps, adjournment.

The bill before us today, in my opinion, is symbolic of the ultimate folly of any controlled program in agriculture and should alert all Members on both sides of the aisle to the basic need of a complete overhaul of farm programs, perhaps starting with a sizable reduction in USDA personnel—maybe a 40- or 50-percent reduction. Some, including myself, doubt the advisability of Secretary Freeman leaving the country at this critical time, while others regret that he did not leave at an earlier date. But, nevertheless, he is gone. He is temporarily absent, I assume—not only at a time when peanuts are in hot water but when the wheat, cotton, and dairy farmers of America are demonstrating peacefully their interest in new voluntary legislation.

Those concerned may be interested in knowing that today Secretary Freeman is still visiting Russia. Upon landing in Moscow last Sunday, he was greeted by roving Ambassador Averell Harriman. Harriman traveled to Russia to negotiate a test ban. However, Freeman's trip may well be the forerunner of another ban soon to be imposed by the President. Nonetheless, while Orville studies progress in Russian agriculture and other world affairs, we just talk about peanuts. Shall we go down in history as a Congress that labored and labored and labored and finally brought forth the peanut—a boiled one at that? And do not forget the latin proverb—remember this—"He that would eat the kernel must crack the nut."

Let me point out this is a serious matter. We have other commodities that are boiled before sale. We have wheat that is boiled before sale, called bulgur. Some people like it. I think, perhaps, the gentleman from Florida [Mr. MATTHEWS] was saved by the rules of the House today because not many of you had a chance to sample the boiled peanut, but nonetheless the bill is a serious threat to those under controlled programs.

Let me tell you that in the first year this little exemption was in effect, the number of farmers raising boiled peanuts jumped from 1,285 to 1,861 and the total acreage jumped from 1,667 to 2,662. This is a sizable increase and not one we can laugh about and say is not important to agriculture generally.

It seems to me the nut of the whole thing is this. We have talked about supply management. Mr. Freeman talks about supply management. Efforts were made to force it upon the wheat farmers of America including those in the State of Kansas. They turned it down. Even Members of Congress who vote for supply management turn it down, in effect, when they come in and ask us to exempt their farmers from supply management. If it is good for some farmers, it should be good for all farmers. I think the amendment to be offered by the gentleman from Illinois [Mr. FINDLEY] goes to the very heart of the matter. The production of boiled peanuts is no less and no more than the production of other peanuts. I do not think anybody including the gentleman from Florida [Mr. MATTHEWS] can state any real difference between a boiled peanut and a regular peanut. We do have something at stake here today despite the fact that the bill does not affect many people for it does basically affect the American agricultural scene and the farmers desire for freedom.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. DOLE. I yield to the gentleman.

Mr. SNYDER. I would like to agree with what you said about the rules of the House saving the gentleman from Florida. I had the pleasure of tasting one of those things and I wonder if there is any possibility of calling up a public health bill later on?

Mr. DOLE. Well, there may be. I think, perhaps—I do not know—but some people like these peanuts. I understand they are a delicacy. They are eaten by many people and are raised in many States.

Mr. Chairman, I have read all the debate the past 6 years on boiled peanuts and apparently many people seem to eat them and survive.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Illinois.

Mr. FINDLEY. The gentleman and his predecessor referred to the cost of this program. I think it might be interesting to the Members of the Committee to know that the rate of loss under the peanut program of the Commodity Credit Corporation averages almost 14 percent of the total value of the peanut crop. The total value of the controlled peanut crop is $130 million. The realized losses to the Commodity Credit Corporation—and that does not include the administrative expenses and other hidden costs—is $25 million, or about 14 percent of the value of the crop.

Furthermore, the Members of the Committee might be interested to know that peanuts in foreign markets sell at about half price. They are supported at about 12 cents a pound here at home, but they sell for about 6 cents a pound abroad.

Mr. Chairman, I think we have the consumers of this country to think about.

Mr. DOLE. I agree with the gentleman. He is exactly correct. Many believed the 15-acre wheat producer was no problem, but today it is admitted the 15-acre wheat producer has created a problem for nearly everyone.

Mr. Chairman, let me point out also that if you have a 5-acre peanut allotment, you can plant it to peanuts and in addition to the 5-acre peanut planting, you can plant "boiled peanuts" outside your allotment without penalty. In other words, you can exceed your allotment and not be penalized. This bill permits an exemption from the present program and its controls.

Mr. Chairman, there has been opposition in the past from other peanut States. Perhaps the time will come when we will have 8,000, 9,000, or 10,000 farmers raising boiled peanuts, and then it may be too late for those in Virginia, South Carolina, and North Carolina, and California—to do anything about it.

Mr. BELCHER. Mr. Chairman, I have no further requests for time.

Mr. MATTHEWS. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 1, line 8, strike the period and insert the following: "and the first paragraph of such Act is amended by striking the period at the end thereof and by adding the following: ': *Provided*, That notwithstanding any other provision of this subparagraph (C), the exemption provided for boiled peanuts shall also apply to all peanuts produced.'"

Mr. ABBITT. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ABBITT. Mr. Chairman, the bill simply deals with a class of peanuts. I make the point of order that the amendment is not germane. The bill simply deals with a class of peanuts. The amendment deals with an entirely different class, and is not in order, as it would change the entire concept of the legislation, as well as wipe out the peanut program.

For that reason, the amendment is not germane to this bill that is before the House.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FINDLEY] desire to be heard on the point of order?

Mr. FINDLEY. Yes, Mr. Chairman. I would like to be heard on the point of order.

My argument is based on the fact that my amendment is offered to a part of the act of April 13, 1957. The title of the bill itself states as its purpose to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938. It states as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota pro-

visions of the Agricultural Adjustment Act of 1938", approved August 13, 1957, as amended, is amended—

And so on.

So I believe it follows this is truly an amendment to the act which the bill itself would amend. For the Chair's convenience, I quote the act of 1957, which states:

The word "peanuts" for the purposes of this Act shall mean all peanuts produced, excluding any peanuts which it is established by the producer or otherwise, in accordance with regulations of the Secretary, were not picked or threshed either before or after marketing from the farm, or were marketed by the producer before drying or removal of moisture from such peanuts either by natural or artificial means for consumption exclusively as boiled peanuts.

The CHAIRMAN (Mr. FLYNT). The Chair is prepared to rule.

The gentleman from Illinois has offered an amendment to the pending bill.

As a general rule, one individual proposition may not be amended by any other individual proposition, even though the two may belong to the same class.

The Chair quotes from volume 8, section 2948, the following:

To a bill amendatory of one section of an existing law an amendment proposing further modification of the law was held not to be germane.

On December 20, 1919, the Committee of the Whole House on the State of the Union was considering the bill (H.R. 11224) to amend section 1 of the act approved October 16, 1918, providing for deportation of alien anarchists.

Mr. Benjamin F. Welty, of Ohio, offered an amendment proposing to add to the existing law a new section to be known as section 4.

Mr. Albert Johnson, of Washington, made the point of order that the amendment while germane to the existing law was not germane to the pending bill.

Accordingly, the Chair sustains the point of order made by the gentleman from Virginia [Mr. ABBITT].

Mr. FINDLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINDLEY. Am I correct that the Chair's ruling was based on the point that the amendment I offered was confined to a paragraph instead of a section? I call the attention of the Chair to the fact the 1958 act added a new section to the 1930 act. This amendment is to that section.

The CHAIRMAN. In response to the parliamentary inquiry, the Chair ruled that the amendment was not germane to the pending bill.

Mr. DOLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOLE: On page 1, line 8, strike the period and insert the following: "and the first paragraph of such Act is amended by striking the period at the end thereof and by adding the following: ': *Provided*, That notwithstanding any other provision of law, the exemption from acreage allotments and marketing quotas as provided for herein for boiled peanuts shall also apply to any agricultural commodity, which prior to being marketed as a foodstuff is boiled and dried.'"

Mr. ABBITT. Mr. Chairman, I make the point of order that this amendment is not germane and it is apparent on its face. This amendment deals not only with peanuts but with all commodities, therefore, it is not in order.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard?

Mr. DOLE. Yes, Mr. Chairman.

Adopting the same argument of the gentleman from Illinois [Mr. FINDLEY], in reference to a certain commodity, which is boiled peanuts, I call attention again to the use of these peanuts, which is boiling. We have boiled potatoes, boiled apricots, and many other commodities boiled prior to sale. If we can do this for one commodity, I think we can do it for all commodities.

The CHAIRMAN (Mr. FLYNT). The Chair is prepared to rule.

The amendment offered by the gentleman from Kansas would extend the legislation to other commodities than those covered by the pending legislation. While the amendment offered by the gentleman from Kansas would amend the general law, the Chair rules that the amendment is not germane to the pending bill and, therefore, sustains the point of order.

Mr. FINDLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it now appears my amendment to this bill, at least along the lines affording the blessings of freedom to all peanut farmers, is going to be difficult if not impossible. Assuming all efforts in this direction do fail, I would like to urge my colleagues to vote "No" on this bill in deference to our long-struggling taxpayers and consumers.

I would like to remind Members that we have presently $17,057,940 tied up in Government peanut stocks. The Department of Agriculture has predicted a rise in the surplus stocks as a result of this year's crop, and every peanut produced on exemption acres, such as provided in this bill, increases the burden on the taxpayers indirectly through the Commodity Credit Corporation.

The peanut control program has been excessively costly. It has represented a cost of about $14 for every $100 worth of peanuts produced in the United States.

Mr. MATTHEWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe we are coming to the close of debate on this bill and I would just like again to point out that all we are talking about is the extension for a period of 2 years of a law that has been passed on the Consent Calendar for the past three Congresses. This is a bill that was approved by every member of the House Committee on Agriculture, some 35 in number, with the exception of 3 at the most; a bill that was unanimously reported by the subcommittee which considered it; a bill which will not cost the taxpayers one dime; a bill that, admitting it is not a bill of importance all over the country, is nevertheless of importance to many hundreds of people. I seriously hope that the House will uanimously approve the extension of this law.

Mr. DOLE. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I will be delighted to yield.

Mr. DOLE. Would you be inclined to support a bill that might do the same for boiled wheat?

Mr. MATTHEWS. Let me say to my friend if you will bring it before the Committee on Agriculture and get them to approve it, I will be delighted to support it. Now, will you approve my bill, which was approved by everybody on the committee except you and two other gentleman?

Mr. DOLE. Sir, I might do that if I do not have to eat the peanuts.

Mr. MATTHEWS. The gentleman has my permission never to eat the peanuts, although I hope he will change his mind.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I am delighted to yield to the gentleman.

Mr. CEDERBERG. I assume the gentleman is interested in getting votes for the bill. I want to support it. I understand there are 2,600 acres involved?

Mr. MATTHEWS. No, sir. About 3,000.

Mr. CEDERBERG. Only 3,000? Having sampled these peanuts, will you guarantee me that if I vote for this bill you will never plant over 3,000 acres?

Mr. MATTHEWS. The bill will come up for consideration in 2 years, and let me say in all sincerity that is the reason why we had a 2-year extension, that is, because at that time 2 years from now, I have the feeling if there are more acres planted the committee probably will not approve the bill.

Mr. CEDERBERG. I do not think we can stand over 3,000 acres.

Mr. MATTHEWS. I want to thank the gentleman for his contribution.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I am glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. I appreciate the gentleman yielding. Actually this matter of excepting boiled peanuts from the general law is not without precedent. We have excepted Durum wheat. For many years we excepted all wheat grown on tracts under 15 acres. If we had such an exception as that in this instance this bill certainly would not be necessary. We have excepted long staple cotton for many many years. We have excepted certain Flue-fired tobacco. This is really no exception. Peanuts for hogging purposes have been grown without reference to marketing quota laws for years and years. Wheat for grazing purposes, which is plowed under and never allowed to go to harvest, has been permitted under the law. This is a peculiar crop. It is just simply a matter of exempting a form of a product which is not in competition with and has nothing to do with the general product covered by marketing quota legislation.

Mr. MATTHEWS. I want to thank our distinguished majority leader for those remarks.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, for a city fellow I have been following this debate with great fascination. I have listened to my handsome and able young friends from Illi-

nois and Kansas who have covered the entire political waterfront. They have taken the peanut into the civil rights debate. They have rolled it over to Europe where Averell Harriman is in talks that may mean the security of this country from atomic warfare. And I am wondering if there is a historic significance in all of this, if today we are hearing for the first time that in the campaign next year the slogan and the insignia of the great Republican Party will no longer be the elephant, large and rampant, but the little boiled peanut.

[Mr. BELCHER addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FLYNT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 101) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938 pursuant to House Resolution 401, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent for the immediate consideration of an identical Senate bill (S. 582) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 101) was laid on the table.

GRAVE QUESTIONS THE PRESIDENT SHOULD ANSWER FOR THE AMERICAN PEOPLE

(Mr. ALGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALGER. Mr. Speaker, there has never been a more serious moment or a more grave occasion for me to take the floor of the House in behalf of the people of the Fifth District of Texas, whom I have the honor to represent, as well as all the people of the United States. In my opinion the very future of this Nation is hanging in the balance. In this perilous time I am trying to measure my words carefully so that the full impact of what is happening may be known to the people and in the hope that the President may clarify his ultimate objective in his attitude toward the revolution, armed revolution in some cases, which is now going on in the United States. Mr. President, are you now using the civil rights problem as an avenue for setting up a socialist dictatorship?

At this point in my remarks, I would like to include an article by David Lawrence, "Use of U.S. Troops a Question," which appeared in the Washington Evening Star of July 15, 1963.

USE OF U.S. TROOPS A QUESTION

(By David Lawrence)

Is the administration about to acknowledge that it was wrong in sending Federal troops to Mississippi? If not, why were the military forces of the United States not sent to preserve order and prevent further bloodshed in the racial crisis in Cambridge, Md., as they were in Oxford, Miss.?

The argument made by the administration in ordering troops to Mississippi was that the entry of James Meredith to the University of Mississippi might cause disorder. None had previously occurred, but it was the mere threat of it which prompted the sending of a large number of Federal troops to the area and later to the university campus and the town of Oxford. Many of these soldiers are still there, presumably to protect against possible disorder.

In the case of Cambridge, "demonstrations" and racial clashes have been going on for more than a month. The Department of Justice had appealed in vain to the Negro leaders not to stir things up. The State militia had been on duty in the town for a while but was withdrawn when it seemed that mediation of some kind was in prospect. A Department of Justice official tried to bring the factions together, but without success. On Thursday night, new disorder erupted and the town was terrorized for several hours with shooting described by the commander of the State police on the scene as "almost on the scale of warfare." At least five persons were wounded by gunfire. Three were members of the Maryland National Guard, which has been called back to the scene, and limited martial law has been imposed.

The Federal Government had, of course, no legal right to send troops into Mississippi. There was no "insurrection," and the Governor of the State had not, as the Constitution requires, requested aid. He had forces ready to quell disturbances. But the administration, claiming it has the authority in law and in constitutional provisions, has kept troops at the University of Mississippi for many months now.

If the Federal Government has a lawful right to send troops anywhere in the United States during a racial crisis on the theory that the principles of the 14th amendment must be enforced, then it is difficult to understand why such troops have not been ordered as a preventive measure not only to Maryland but to New York City, where a reign of terror has prevailed in certain neighborhoods. The same kind of disturbances, with violence involved, have been reported also from other areas in different parts of the country where there is racial conflict.

Many lawyers have inspired that the preservation of law and order within a State is the function of the Governor and the State militia, only to be told that this is just a legal technicality. President Kennedy is quoted as having said, "After all, it's right." The doctrine expounded here is that "the end justifies the means," unfortunately, even this doctrine is not uniformly applied.

The Negro leaders, for instance, who sponsor the demonstrations are careful to emphasize in their public statements that they are proceeding on a nonviolent basis. But when feeling are aroused nonviolence is superseded by violence. As the New York Times—supporter of integration—said in an editorial, "nonviolence that deliberately provokes violence is a logical contradiction."

In Cambridge, white persons sitting on the porch of their homes have been the targets of gunfire, and two men were wounded by blasts from an automatic shotgun during last Thursday night's disorder. Three National Guardsmen were wounded when the car in which they were returning from drill duty at a nearby armory was ambushed with rifle and shotgun fire. They were in uniform but unarmed.

Negro leaders are putting on demonstrations in various cities in memory of one of their colleagues, Medgar Evers, who was killed in Mississippi by a sniper's bullet. But there seems to be no public recognition by any group of the plight of those white persons—most of them innocent bystanders—killed or wounded in recent weeks in connection with racial disturbances. Nor have steps been taken to call a halt to the nonviolent demonstrations that are steadily producing the violence.

As for the further use of Federal troops to quell or prevent the outbreak of disorder, official Washington is mum. Will the people of the District of Columbia have the protection of Federal troops on August 28 when 100,000 Negroes are expected to participate in a nonviolent demonstration in Washington? Apparently only Arkansas, Mississippi, and Alabama get the benefit of the presence of Federal troops. The equal right to protection doesn't seem to extend to citizens elsewhere who may be threatened with nonviolent demonstrations in which violence can result in injury to innocent persons.

Mr. Speaker, there are several pertinent questions raised by Mr. Lawrence in his article: "Why did the President use Federal troops in Mississippi and Alabama because violence was threatened? Why has he failed to use troops in Cambridge, Md., Philadelphia, Pa., New York City, Savannah, Ga., and in North Carolina where there is violence and where people have been shot and killed?

The omissions and commissions of President Kennedy in the struggle now going on in America take on added significance when we review the history of his administration.

From the day of his inauguration President Kennedy has demanded and/or seized more and more power for the executive branch at the expense of the legislative branch. A review of Presidential messages and White House-sponsored legislation establishes this as a fact. Also a fact is that the delegation of such broad powers to the executive establishes an easy course to dictatorship.

One of the keymen around President Kennedy is Arthur Schlesinger, Jr. Mr. Schlesinger is an admitted advocate of

what he calls "democratic socialism," and his views have never been contradicted by the President. Mr. President, I ask you now, Do you support a change in our form of society from a private enterprise system to that of a planned economy or democratic socialism?

With this background of boldly seeking new Executive powers and keeping as one of his counselors an advocate of a socialist system, the President now confronts us with the puzzle of his handling of the civil rights issue. There is no doubt that the Kennedy political machine used civil rights as an effective campaign technique in the 1960 election. There are none that I know of who will deny the Kennedy administration has manipulated the civil rights issue in an attempt to hog-tie the majority of the Negro vote in advance of the 1964 election. Can anyone deny the President's handling of the current mob action has not been weighted to encourage the Negroes and to discriminate against whites? Witness the haste with which Federal forces were sent to Mississippi against the authority of State officials and before any overt action had been taken. Witness the fact that Federal troops were mobilized in Alabama against the expressed desire of the Governor and before the scheduled entrance of Negroes into the university. Witness the absolute silence from the White House in even mildly condemning the destruction of property, the injuring and killing of white people by rock-throwing, car-burning, rifle-shooting Negroes. Why, Mr. President?

If your purpose in Mississippi and Alabama was to preserve law and order and to protect the lives and property of the people, why are you not concerned with the violation of law, the destruction of property, and murder in other States where violence has been engendered and carried out by Negroes? Is not such blatant partiality encouraging more rioting, more violence, more violation of law and order? What can the Nation hope to gain by an increase of such violence? What can you gain, Mr. President?

Now, let us go a step further in pointing out significant events and statements. On last Sunday evening on WTTG-TV there was a panel discussion of "Race Relations and Crisis." Four prominent Negro leaders, three of whom are now involved in the nationwide demonstrations, explained their purposes and objectives. They plainly stated we must have forced integration; they ridiculed legislative remedies; they insisted on compensatory treatment for the colored race by declaring that "unqualified Negroes must be given preferential treatment in hiring and that they be made qualified on the job." To achieve these objectives these leaders of the nonviolent movement said they intend to continue and to increase the tempo of the demonstrations until all the demands are met, they promised further violence and talked of the use of guns to strengthen their fight; they emphasized the size, strength and determination of the proposed march on Washington next month to obtain this ultimate objective. These Negro leaders made it plain their demands are paramount to the interest of the preservation of our system of society by stating it may be necessary to implement action on the demands of the Negroes for preferential treatment with a military dictatorship or some kind of Socialist state.

In view of these statements, Mr. President, I call upon you now to state your objectives in supporting these leaders. Are the American people to construe your silence in regard to the violent demonstrations now going on and the potential violence which lurks in the proposed march on Washington as encouraging an increase in the tempo of the demonstrations and the violence? If so, for what purpose? Will you disavow, now, that you intend to use a complete breakdown in law and order on August 28 or some subsequent date as an excuse for seizing complete power? Your failure to act, Mr. President, when the rights of whites are being assaulted and the speed with which you act when, in your opinion, Negro rights are threatened, are the basis for these questions which are now in the minds of many of our people.

For the security of the Nation, for the protection of the freedoms and the rights of all the people, for the preservation of our system of society, a republic within a democracy, Congress must know and the people must know, now, how far the President intends to go in seizing power or in changing our form of government in solving the civil rights issue.

Mr. Speaker, I would point out once more, as I have frequently reminded the Negro people that they will equally be the losers with the whites if, for whatever purpose it is achieved, they succeed in destroying this Republic. Under a dictatorship, they too, will be enslaved and they, too, along with the whites will lose all their freedoms and the God-given rights with which we are endowed.

I have made this statement, and posed these questions, not to charge President Kennedy with seeking to become a dictator, but to call to his attention, in the event he has failed thus far to recognize, it to the possible results of the course he is following. It is important, too, that these words of warning be given to the American people so that they will not lose their freedoms without ever having recognized that they were in danger of losing them.

The pressure of history is upon us at this moment and only a strong willed people and leaders dedicated to the preservation of this land of freedom with all its traditions of inherent liberty can save the cause of freedom in the world.

Mr. President, in the name of America, in the name of humanity, show the American people now, by your words and your deeds, that you intend to protect this Republic in keeping with the oath you took to preserve the Constitution against all its enemies, both foreign and domestic.

SOUND FEED GRAIN AND WHEAT LEGISLATION

(Mr. ROUDEBUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. ROUDEBUSH. Mr. Speaker, this morning the members of the Indiana congressional delegation and our two Senators had the pleasure of having breakfast with the Indiana Farm Bureau leaders who are here for their convention and their legislative studies. Following breakfast, Mr. George Doup, our very distinguished president of the Indiana Farm Bureau, made some wonderful suggestions, which I insert in the RECORD at this point.

Passage of sound feed grain and wheat legislation this session of Congress is of paramount importance.

In view of this need, a very adequate bill has been introduced by my colleague from Indiana, Congressman RALPH HARVEY of the 10th Indiana District.

This proposed legislation has the full support and endorsement of the Indiana Farm Bureau which is holding a conference this week in Washington on farm legislation.

This cropland retirement proposal includes the following outstanding features:

First. An opportunity for U.S. farmers to retire up to some 60 to 80 million acres of cropland voluntarily and without Government coercion.

Second. Emphasis is placed upon the retirement of whole farms, so that the incentive to "push" the remaining acreage and in the long run increase total production is removed.

Third. Maximum limitations on land retirement in any State or county is provided to prevent depressed communities.

Fourth. Grazing or harvesting of crops from retired acres is prohibited.

Fifth. Retirement contracts between the farmer and the U.S. Government would be for a minimum of 3 years.

Sixth. The legislation provides for retirement of sufficient acreage to assure adjustment of production of farm products to demand.

Other important features of the cropland retirement proposal discussed by members of the Indiana congressional delegation and officials of the Indiana Farm Bureau at the farm legislation conference in Washington, D.C., this week.

Mr. George Doup, of Columbus, Ind., the very able and respected president of the Indiana Farm Bureau had some highly informative and useful comments on provisions of H.R. 6994.

Mr. Doup said the bill would terminate acreage allotments and marketing quotas on wheat and feed grains, and would repeal the 1964–65 feed grain diversion program, which is of little value.

This outstanding farm leader also reported that under the cropland retirement proposal, feed grain prices would be supported by the Government at a realistic level—90 percent of the past 3-year average market price, but not less than 50 percent of parity.

These provisions provide a floor under prices of these grains, but do not encourage unneeded production for the Government support price alone.

Mr. Doup also said:

In order to keep the Commodity Credit Corporation from dumping surplus grain on

Public Law 88-76
88th Congress, S. 582
July 25, 1963

An Act

77 STAT. 92.

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965". Peanuts. Definition extended. 71 Stat. 344; 75 Stat. 512.

Approved July 25, 1963.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 272 accompanying H. R. 101 (Comm. on Agriculture).
SENATE REPORT No. 285 (Comm. on Agriculture & Forestry).
CONGRESSIONAL RECORD, Vol. 109 (1963):
May 6: Companion bill H. R. 101 considered in House.
June 25: Considered and passed Senate.
July 17: Considered and passed House in lieu of H. R. 101.

GPO 99-139